Laws, Resolutions and Memorials

OF THE

STATE OF MONTANA

PASSED BY THE

Thirty-fifth Legislative Assembly

In Regular Session

Held at Helena, the Seat of Government of Said State,
Commencing January 7th, 1957, and
Ending March 7th, 1957

PUBLISHED BY AUTHORITY

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Certificate of Authentication

State of Montana
Department of
Secretary of State
} ss.

I, Frank Murray, Secretary of State of the State of Montana, do hereby certify that by virtue of the authority vested in me by law I have prepared for publication and caused to be printed a copy of all laws, memorials, resolutions and appropriation measures passed by the Thirty-fifth Legislative Assembly of the State of Montana, at the Thirty-fifth Session commencing January 7, 1957, and concluding March 7, 1957; that I have caused to be compared the said printed laws, memorials, resolutions and appropriation measures with the original manuscript thereof now on file in my office, and that the following are true, full and correct copies thereof, including the Constitutional amendment adopted by the people of Montana at the general election held in the State of Montana November 5, 1956.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Montana, at Helena, the Seat of Government, this fifteenth day of June, A. D. 1957.

Frank Murray

Secretary of State.

OFFICERS AND MEMBERS

OF THE

Thirty-fifth Legislative Assembly of the State of Montana

1957

J. HUGO ARONSON, GOVERNOR
Paul Cannon, Lieutenant Governor and President of the Senate.
Eugene H. Mahoney, Speaker of the House.
David F. James, President Pro Tem of the Senate.
Robert S. Cotton, President Pro Tem (Ad Interim).

Members of Senate

NAME	Residence	County	Politics
*Alley, John	Whitehall	Jefferson	Republican
*Anderson, Henry H.	Libby	Lincoln	Democrat
¶Anderson, Roswell H.	Wibaux	Wibaux	Republican
Balgord, O. P.	Lavina	Golden Valley	Republican
‡Beley, Ward H.	Harlowton	Wheatland	Democrat
*Bovey, Chas.	Great Falls, E. of	Cascade	Democrat
Brenner, J. S.	Grant	Beaverhead	Republican
*Brownfield, Ben	Hammond	Carter	Republican
Carney, John E. "Ed"	Scobey	Daniels	Democrat
Clark, Earl E.	Roundup	Musselshell	Democrat
*Cole, Kenneth	Winnett	Petroleum	Republican
*Cotton, Robert S.	Glasgow	Valley	Democrat
*Dahl, Andrew	Dagmar	Sheridan	Democrat
Durkee, Robert A.	Havre	Hill	Democrat
*Goodwin, Lester C.	Townsend	Broadwater	Democrat
Grandey, C. W.	Terry	Prairie	Republican
Grant, R. A. "Ray"	Miles City	Custer	Democrat
*Groff, W. A.	Victor	Ravalli	Democrat
Hagenston, A. S.	Glendive, 216 Slocum	Dawson	Democrat
*Harken, R. C.	Forsyth	Rosebud	Democrat
*Hibbs, Rex	Billings, 15 Valley Dr.	Yellowstone	Republican
Hofland, J. M.	Vida	McCone	Democrat
James, David F.	Joplin	Liberty	Democrat
*Jellison, Charles J.	Kalispell	Flathead	Republican
Keister, Earl C.	Conrad	Pondera	Democrat
*Keller, Webster	Fishtail	Stillwater	Democrat
*LaCombe, C. E.	Superior	Mineral	Democrat
*Larson, Glenn H.	Thompson Falls	Sanders	Republican
Lehrkind, Carl, Jr.	Bozeman	Gallatin	Democrat
Mackay, William R.	Roscoe	Carbon	Republican
Mahoney, Charles H.	Jordan	Garfield	Republican
Manning, D. M.	Hysham	Treasure	Democrat
McDonnell, A. Ronald	Big Timber	Sweet Grass	Republican
*McGowan, Gordon	Highwood	Chouteau	Democrat
*McKenna, George S.	Geyser	Judith Basin	Democrat
Minnette, Carl P.	Cut Bank	Glacier	Democrat
*Moritz, Earl	Lewistown	Fergus	Republican
*Murphy, H. A.	Philipsburg	Granite	Republican
Nees, Stanley R.	Poplar	Roosevelt	Democrat
Nixon, Richard	Hogeland	Blaine	Democrat
*Nutter, Donald	Sidney	Richland	Republican
†Reardon, Frank	Butte, 801 Maryland	Silver Bow	Democrat
*Rice, Paul R.	Bynum	Teton	Democrat
Ringling, Paul T.	White Sulphur Springs	Meagher	Democrat
Robinson, Fred L.	Malta	Phillips	Republican
Ruane, Michael E.	Anaconda, 620 W. 4th St.	Deer Lodge	Democrat
*Sagunsky, Walter G.	Sheridan	Madison	Republican
Scofield, Charles L.	Broadus	Powder River	Republican
Smith, J. Miller	Helena, 738 8th Ave.	Lewis & Clark	Republican
Spear, W. B.	Kirby	Big Horn	Republican
Stein, Ben	Livingston, Shields Rt.	Park	Democrat
Streeter, Bertha E.	Bigfork, E. Lake Shore	Lake	Republican
Valiton, Don F.	Deer Lodge	Powell	Republican
*Wenz, Karl	Baker	Fallon	Republican
*Wilson, George W.	Shelby	Toole	Democrat
*Worden, Donovan	Missoula, 410 E. Pine St.	Missoula	Republican

* Holdover.
¶ Appointed to succeed Oscar Nesvig, deceased.
‡ Elected to succeed E. F. McQuitty, resigned.
† Elected to succeed Robert G. Dwyer, resigned.

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House of Reprepsentatives

NAME	Residence	County	Politics
Abel, Keith C.	Havre	Hill	Democrat
Allen, C. M.	Miles City	Custer	Republican
Anderson, George D.	Great Falls, 2608 1st Ave. N.	Cascade	Democrat
Anderson, Jerome	Billings, 2806 Hoover Ave.	Yellowstone	Republican
Atkinson, A. L. "Roy"	Ronan	Lake	Republican
Babcock, Tim M.	Billings, 2530 Augusta Lane	Yellowstone	Republican
Barnard, Lloyd	Saco	Valley	Democrat
Barnes, Phil H.	Big Horn	Treasure	Democrat
Barrett, Fred E.	Chester	Liberty	Democrat
Beck, Martin J.	Vida	McCone	Democrat
Bentz, C. C.	Ekalaka	Carter	Republican
Berg, Ben E., Jr.	Livingston	Park	Republican
Bick, Clarence P.	Ronan	Lake	Democrat
Broeder, Fred O.	Creston	Flathead	Republican
Cerovski, Charles	Lewistown	Fergus	Democrat
Clark, Sumner R.	Winnett	Petroleum	Democrat
Clowes, Homer J.	Glasgow	Valley	Democrat
Conklin, Russel	Great Falls, 2500 4th Ave. S.	Cascade	Democrat
Crist, C. L.	Billings, 227 Broadwater Ave.	Yellowstone	Republican
Cullen, C. J.	Wibaux	Wibaux	Democrat
Cumming, Hugh	Drummond	Granite	Democrat
Cunningham, John J.	Butte, 800 S. Mont. St.	Silver Bow	Democrat
Daniels, M. K.	Deer Lodge	Powell	Democrat
Dempsey, Mervin J.	Butte, 401 S. Excelsior	Silver Bow	Democrat
Devier, John R.	Glendive	Dawson	Democrat
DeWolfe, Percy	Babb	Glacier	Democrat
Emmons, John	Anaconda	Deer Lodge	Democrat
Eskildsen, Leslie	Malta	Phillips	Democrat
Evans, Ralph	Bozeman	Gallatin	Republican
Felt, James R.	Billings, 303 Parkhill Dr.	Yellowstone	Republican
Frank, Jake	Park City	Stillwater	Democrat
Fraser, Antoinette	Billings, 106 Clark Ave.	Yellowstone	Republican
Gebhardt, Ralph H.	Billings, 941 Lewis Ave.	Yellowstone	Republican
Gerard, Sumner	Ennis	Madison	Republican
Glancy, William J.	Roundup	Musselshell	Democrat
Gleed, George E.	Dillon	Beaverhead	Republican
Goodgame, Allen	Troy	Lincoln	Democrat
Gray, Claude C.	Big Timber	Sweet Grass	Democrat
Haines, H. H.	Terry	Prairie	Republican
Haines, Tom	Missoula, 1703 S. 5th W.	Missoula	Republican
Hancock, J. Homer	Billings, 1813 Poly Dr.	Yellowstone	Republican
Hawks, Clyde L.	St. Xavier	Big Horn	Republican
Healy, John V.	Butte, 709 East Front	Silver Bow	Democrat
Helding, Oscar	Missoula, 937 S. 5th W	Missoula	Democrat
Hess, H. H.	Havre	Hill	Democrat
Holecek, George	Boyd	Carbon	Democrat
Holtz, Ronald W.	Floweree	Cascade	Democrat
Hooks, Patrick F.	Townsend	Broadwater	Democrat
Howard, George T.	Missoula, 408 E. Broadway	Missoula	Republican
Jensen, Arthur N.	Superior	Mineral	Democrat
Johnson, D. W.	Sidney	Richland	Democrat
Juedeman, R. F.	Shelby	Toole	Republican
Karlberg, John	Missoula, 320 S. 2nd W.	Missoula	Democrat
Kiff, Claude	Ringling	Meagher	Republican
Langston, Edgar	Harlowton	Wheatland	Democrat
Lee, Edward T.	Scobey	Daniels	Democrat
Loughran, Mike	Butte, 828 W. Quartz	Silver Bow	Democrat
MacDonald, John J.	Jordan	Garfield	Democrat
MacHaffie, E. D.	Helena	Lewis & Clark	Republican
Mahoney, Eugene H.	Thompson Falls	Sanders	Democrat
Mangan, Thomas A.	Missoula, 404 Alder	Missoula	Democrat
McAndrews, Wayne	Anaconda	Deer Lodge	Democrat
McGarvey, Dale L.	Kalispell	Flathead	Democrat
McInnis, Archie L.	Geyser	Judith Basin	Democrat
McKenna, J. E.	Lewistown	Fergus	Democrat
McOmber, W. Gordon	Fairfield	Teton	Democrat
Meagher, James B.	Great Falls, 1517 2nd Ave. So.	Cascade	Democrat
Mernin, Henry	Butte, 2507 Elm St.	Silver Bow	Democrat
Michels, Lloyd J.	Medicine Lake	Sheridan	Democrat

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HOUSE OF REPRESENTATIVES — (Continued)

NAME	Residence	County	Politics
Morrison, Dr. Geo. A.	Great Falls, 2108 3rd Ave. N.	Cascade	Democrat
Mysse, S. O., Jr.	Ingomar	Rosebud	Republican
Nelson, Wm. J.	Barber	Golden Valley	Democrat
Nelstead, T. E.	Miles City	Custer	Republican
Nichols, Norris	Stevensville	Ravalli	Republican
Norby, Fritz	Great Falls, 16 N. 3rd.	Cascade	Republican
Parker, Cecil C.	Valier	Pondera	Democrat
Paulsen, Harold L.	Helena	Lewis & Clark	Republican
Picard, Edward R.	Butte, 1915 S. Idaho	Silver Bow	Democrat
Pierce, John H.	Billings, 1312 Parkhill Dr.	Yellowstone	Republican
Powell, Lisle D.	Biddle	Powder River	Republican
Reeder, Harrison	Bozeman	Gallatin	Democrat
Regan, Leonard D.	Great Falls, 2805 3rd Ave. N.	Cascade	Democrat
Rieder, Arnold	Boulder	Jefferson	Democrat
Sales, Walter L.	Bozeman	Gallatin	Republican
Siderius, George	Kalispell	Flathead	Democrat
Smeltzer, Jerry	Baker	Fallon	Republican
Strnisha, Joe	Hamilton, Rt. 1	Ravalli	Democrat
Tange, Chris S.	Poplar	Roosevelt	Republican
Thomas, B. W.	Chinook	Blaine	Republican
Thompson, John G.	Helena	Lewis & Clark	Republican
Tonner, L. P. "Cy"	Martin City	Flathead	Democrat
Walton, Clarence E.	Wilsall	Park	Republican
Wayrynen, R. J.	Butte, 1015 W. Silver	Silver Bow	Democrat
Wood, James, Jr.	Loma	Chouteau	Democrat

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SESSION LAWS

CHAPTER 1

An Act to Fix the Compensation of Officers and Employees of the Thirty-fifth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Emergency declared.

Section 1. WHEREAS existing wage scales in effect at this time present an emergency requiring that the compensation of officers and employees of the thirty-fifth legislative assembly shall be paid a higher rate than that heretofore required, or which in all probability will be hereafter required, and notwithstanding the general law fixing the compensation of officers and employees of the legislative assemblies, and expressly without amending any such law or laws except to the extent that they shall not apply to the compensation of officers and employees of the thirty-fifth legislative assembly:

Increase compensation, legislative officers and employees.

Compensation shall be paid to the officers and employees of the thirty-fifth legislative assembly as follows:

The secretary of the senate, the chief clerk of the house of representatives, the sergeant-at-arms of each house eighteen dollars ($18.00) per day. The senate law clerks and house of representatives law clerks eighteen dollars ($18.00) per day;

The assistant secretary of the senate, the assistant chief clerks of the house of representatives; the journal clerk, the enrolling clerk, engrossing clerk, the bill clerk, the chief printing clerk of each house; the assistant sergeant-at-arms of the senate, the assistant sergeants-at-arms of the house of representatives (in case such assistants are employed), the secretary to the judiciary committee, the secretary to the finance and claims committee of the senate, the secretary to the judiciary committee, the secretary to the appropriations committee of the house, the clerk to the chief clerk of the house, the stenographer to the secretary of the senate, the chief stenographer of the senate,

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the secretary to the speaker of the house of representatives, the secretary to the president of the senate, and the secretaries to the majority floor leaders of both houses, fifteen dollars ($15.00) per day each;

The assistant journal clerk, the assistant bill clerk, the assistant enrolling clerk, the assistant engrossing clerk, the assistant printing clerk, the reading clerk, the secretary to the sergeant-at-arms of each house; two chief proof readers, and the mailing clerk of the senate; the payroll clerk of the house of representatives, the supply clerk of the house of representatives, stenographers, and the mailing clerk and filing clerk of each house, eleven dollars ($11.00) per day each;

Other committee clerks, typists, other proof readers, and telephone operators, elevator operators of each house, ten dollars ($10.00) per day each;

The chaplain, doorkeepers, janitors, assistant janitors, and watchmen of each house, nine dollars ($9.00) per day each;

Pages, seven dollars ($7.00) per day each;

And all other employees of the legislative assembly not herein specifically enumerated, ten dollars ($10.00) per day each.

Each salary herein specified shall be paid for each and every day of the entire legislative session, commencing with the date of employment of the officer or employee, save and except that any officer or employee whose services are dispensed with for any portion of the session shall receive pay only for the number of days during which services are performed by such officer or employee.

Salaries increased for 35th assembly only.

Section 2. The salaries herein specified to be paid to officers and employees shall be effective for and shall be paid only to such officers and employees of the thirty-fifth legislative assembly of the State of Montana and shall not be effective for nor payable to the officers and employees of any subsequent legislative assembly.

Effective immediately.

Section 3. The act shall take effect and be in full force from and after its passage and approval.

Approved January 11, 1957.

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CHAPTER 2

An Act Authorizing the Registrar of Motor Vehicles of the State of Montana to Issue Upon Proper Application a Special License Plate in Addition to Regular License Plates, as Provided for in Section 53-108 of the Revised Codes of Montana, 1947, for Resident Motor Vehicle Owners Who Operate Amateur Radio Stations; Authorizing Issuance of Necessary Rules and Regulations by Said Registrar; Authorizing Lists of Special License Plate Holders for Law Enforcement Officers and Specifying Duties Regarding Such Lists; Providing for Return of Special License Plate Upon Revocation or Expiration of Amateur Radio License; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Holder of amateur radio license issued by F.C.C. may be issued a special license plate showing the official amateur call letters of holder.

Section 1. Any motor vehicle owner and resident of this state, who holds an unrevoked and unexpired official amateur radio station license and operator's license, "Conditional" or higher class, issued by the federal communications commission shall upon application on form prescribed by the registrar of motor vehicles be issued a special license plate in addition to the regular license plates, upon which special license plates in lieu of the numbers as prescribed by law for regular license plates, shall be inscribed the official amateur radio call letters of such applicant as assigned by said federal communications commission and shall be renewed concurrently with regular plates.

Contents of application for special license plates.

Section 2. The registrar of motor vehicles shall issue a special license plate to amateur radio operators upon application showing:

Proof of licenses.

(1) Proof that applicant is holder of such amateur radio station license and operator's license;

Compliance with motor vehicle registration and license laws and payment of fees.

(2) Compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles, and upon the payment of the regular license fee for license plates as provided by law; and,

Fee.

(3) Payment of one dollar and fifty cents ($1.50) additional fee.

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Registrar of motor vehicles to make rules and regulations.

Section 3. The registrar of motor vehicles shall make such rules and regulations as may be necessary to procure compliance with all the laws of the state regulating the issuance of motor vehicle licenses relating to the use and operation of motor vehicles before issuing the special license plates. The registrar shall not issue more than one (1) special license plate for any licensed amateur radio station in any one licensing period.

One special license for any licensed amateur radio station in one licensing period.

Registrar to furnish other agencies and departments, list of names, addresses and license plate numbers and letters of such licenses.

Section 4. The registrar shall, on or before the first day of July of each year, furnish to the supervisor of the state highway patrol, to the director of civil defense, to the sheriff of each county in the state, to the chief of police of each incorporated city in the state, and to other public officials as the registrar shall deem necessary, an alphabetically arranged list of the names, addresses and license plate numbers and letters of each person to whom a special license plate has been issued, and it shall be the duty of the supervisor, sheriffs and chiefs of police to maintain and keep current such lists for public information and inquiry, particularly in relation to public emergencies.

Maintain up-to-date list.

Location of special license plates on motor vehicles.

Licensee to retain special license on transfer of motor vehicle.

Use on other motor vehicles.

Section 5. The special license plate as herein provided is to be placed on the motor vehicle so that the regular plates are not covered by the special plate. When the motor vehicle is sold or otherwise transferred, the usual number plates will be left on the motor vehicle, and the special plate will be retained by the owner of the amateur radio station.' This plate may be placed on another motor vehicle providing all requirements of Section 2, subsections one (1) and two (2) above are met. On the revocation or expiration of the amateur radio station and operator's license the special license plate as issued shall be returned to the registrar of motor vehicles.

Return to registrar on revocation or cancellation.

Repealing clause.

Section 6. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 1, 1957.

CHAPTER 3

An Act to Confer Additional Powers on Already Existing Drainage Districts for the Purposes of Flood Pre-

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vention and the Conservation, Development, Utilization and Disposal of Water; to Provide for the Creation of Drainage Districts for the Purposes Set Forth in This Act; and for Related Purposes.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of act.

Section 1. The purpose of this act is to confer certain additional powers on drainage districts already created or to be created under the laws of the State of Montana for the purposes of cooperating with the government of the United States and landowners in flood prevention and the conservation, development, utilization and disposal of water for the further development of the economy of this state and for the promotion of the public health and welfare.

Additional powers conferred.

Section 2. To the end that soil and water conservation measures may be improved, flood prevention and drainage programs strengthened, and the land and water economy of the state stabilized, the following additional powers are conferred upon presently existing drainage districts or new districts as created and established under Sections 89-2201 through 89-2820 of the Revised Codes of Montana, 1947, and laws amendatory thereof and supplementary thereto:

Prevention of flood water and sediment damage— conservation development, utilization and disposal of water — regulations.

(1) To carry out necessary measures for the prevention of floodwater and sediment damages and for the conservation, development, utilization and disposal of water; and to adopt necessary regulations, policies and procedures to accomplish these ends, subject to the approval of the district court and on proper notice to interested parties as is provided for in the general statutes pertaining to drainage districts.

To cooperate and enter into agreements — financial assistance.

(2) To cooperate and enter into agreements with, and to receive financial and other assistance from state agencies and political subdivisions of the state, other organizations created under state laws, and the government of the United States and agencies thereof, to carry out the purposes of this act; to enter into agreements with and to accept contributions from private landowners for the purposes of this act.

Construction, operation and maintenance.

(3) To construct, operate, and maintain such works of improvement, including structures and related meas-

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ures, as are needed to carry out their broadened purposes as set forth herein, subject to the approval of the district court and on proper notice to interested parties as set forth in the drainage district statutes.

To acquire land, easements and rights of way.

(4) To acquire lands, easements, and rights-of-way for sites for structures and for the flowage or impoundment of waters, such acquisitions for such purposes to be accomplished in the same manner and through the same powers and procedures as provided for under the statutes presently pertaining to drainage districts.

To enlarge boundaries.

(5) To enlarge their boundaries to permit the construction of additional needed works of improvement, or to construct additional needed works of improvement outside their boundaries, subject to approval of the district court and on proper notice to interested parties in the manner set forth in the drainage district statutes.

Assessments and bond issue to carry out act.

(6) To make assessments and issue bonds for carrying out the purposes of this act and for construction, maintaining and operating any structures or improvements established as provided herein, such assessments and bond issues to be made in the same manner and through the same procedures as under the statutes presently pertaining to drainage districts including the right to extend annual installments for repayment of construction costs over a period of not more than fifty years and subject to the approval of the district court in the same manner and on the same notice to the interested parties as in the first instance of approving assessments, bond issues, and benefits.

Repayment over fifty year period.

Additional powers not applicable to existing district until.

Petition filed by commissioners requesting same.

Notice.

Proceedings.

Section 3. Before the additional powers granted by this act shall become applicable to any presently existing drainage district in this state, the commissioners of such district shall file a petition in the district court requesting such additional powers as set forth herein, and proper notice shall be given to interested landowners in the same manner as in the first instance of creation of the district, and proceedings shall be conducted insofar as possible in accordance with the procedures set forth for determining whether or not the district shall be created in the first instance, and the district court shall render its decree or order accordingly.

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Organization of new districts.

Section 4. In areas not presently within the boundaries of an existing drainage district the landowners may proceed to organize a drainage district for carrying out the purposes of this act, and such organization of such district may be carried out for said purposes according to the procedure for organization of such districts set forth in the Revised Codes of Montana, 1947, and after organization such districts shall have all the powers vested by law in such districts.

Cooperative agreements and carry out purposes of Public Law 566, 83rd Congress of U. S.

Section 5. The purpose of this act is to enable existing drainage districts or newly created drainage districts as provided herein to enter into cooperative agreements and programs to carry out the purposes of Public Law 566, 83rd Congress of the United States, or other laws of the national congress pertaining to flood prevention and the conservation, development, utilization and disposal of water. This act is to be given a liberal construction to the end that these purposes may be carried out, and to this end all political subdivisions of the State of Montana, all agencies and departments of the state government, and all soil conservation districts are authorized to cooperate with, expend funds for, and enter into agreements with drainage districts and any agencies of the United States government for the purpose of carrying out the provisions of this act and said Public Law 566, 83rd Congress of the United States or other laws of the National Congress pertaining to flood prevention and the conservation, development, utilization and disposal of water.

Liberal construction.

Cooperation.

Agreements with districts and agencies of the U. S. to carry out this act.

Additional powers for limited purpose.

Provided, however, none of the additional powers granted by this act shall be exercised except for the purpose of participating in projects or programs authorized under Public Law 566, 83rd Congress of the United States or other laws of the national congress pertaining to flood prevention and the conservation, development, utilization and disposal of water.

Severability clause.

Section 6. If any part, or parts of this act shall be declared by any court of competent jurisdiction to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act.

Effective date.

Section 7. This act shall be in full force and effect from and after its passage and approval.

Approved February 2, 1957.

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CHAPTER 4

An Act Validating, Ratifying, Approving and Confirming Bonds and Other Instruments or Obligations, Heretofore Issued by Public Bodies of This State, and All Proceedings Heretofore Taken by Such Public Bodies, to Authorize and Issue Such Bonds, Instruments and Other Obligations, However Described; and Providing That This Act May be Cited as "The 1957 Bond Validating Act."

Be it enacted by the Legislative Assembly of the State of Montana:

How act cited.

Section 1. This act may be cited as "The 1957 Bond Validating Act."

Definitions.

Section 2. The following terms, wherever used or referred to in this act, shall have the following meanings:

"Public body".

(1) The term "public body" shall include a county, city, town, school district, irrigation district, drainage district, special improvement district, or any other political or governmental subdivision of the State of Montana, and shall also include the state board of education, the state board of examiners, the state water conservation board, the state highway commission, or any other governmental agency of this state.

"Bonds".

(2) The term "bonds" shall include bonds, notes, warrants, debentures, certificates of indebtedness, temporary bonds, temporary notes, interim receipts, interim certificates and all instruments or obligations evidencing or representing indebtedness, or evidencing or representing the borrowing of money, or evidencing or representing a charge, lien or encumbrance on specific revenues, income or property of a public body, including all instruments or obligations payable from a special fund.

Validating bonds and proceedings.

Section 3. All bonds heretofore issued for any of the purposes for which bonds may be issued by any public body of this state and all proceedings heretofore taken for the authorization and issuance of bonds by such public body, and the sale, exchange, execution and delivery thereof, are hereby validated, ratified, approved and confirmed, nothwithstanding any lack of

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power (other than constitutional) of such public body, or the governing board or commission or officers thereof, to authorize and issue such bonds, or to sell, exchange, execute or deliver the same, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings or in such sale, exchange, execution or delivery, and bonds of such public bodies, whether heretofore issued or hereafter issued under the authority of proceedings heretofore taken, are and shall be binding, legal, valid and enforceable obligations of such public body.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective date.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1957.

CHAPTER 5

An Act to Amend Section 91-4407 of the Revised Codes of Montana, 1947, to Include as an Allowable Deduction From Inheritance Tax All Montana State, County, Municipal and Federal Taxes Including All Penalties and Interest Thereon, of the Decedent Due and Unpaid at the Date of Death, and Establishing an Effective Date Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending Clause.

Section 1. That Section 91-4407 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Tax on clear market value.

"91-4407. **Tax on Clear Market Value — Deductions.** The tax so imposed shall be upon the clear market value of such property passing by any such transfer to each person, institution, association, corporation or body politic, at the rates hereinafter prescribed and only upon the excess of the exemption hereinafter granted to such person, institution, association, corporation or body politic, and in determining the clear market value of the property so passing by any such transfer the following deductions, and no other shall be allowed; debts of the decedent owing at the date of death, expenses

On excess of exemption.

Allowable deductions.

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of funeral and last illness, *all Montana state, county, municipal and federal taxes, including all penalties and interest thereon, owing by decedent at the date of death,* the ordinary expenses of administration, including the commissions and fees of executors and administrators and their attorneys actually allowed and paid, and federal estate taxes due or paid."

Effective date.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved February 7, 1957.

CHAPTER 6

An Act to Amend Section 3-208, Revised Codes of Montana, 1947, Relating to Charges of Public Warehousemen, to Increase Certain Charges and to Define Immediate Delivery of Identical Grain as Limited to Seventy-Two (72) Hours; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 3-208, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Charges of public warehousemen for handling or storage of grain.

"Section 3-208. (3579) **Charges of Public Warehousemen.** Charges must be made by all public warehousemen subject to the provisions of this act, for the handling or storage of grain, as follows:

Immediate delivery on car without mixing.

"(a) *Not to exceed four cents (4c)* per bushel for receiving, elevating, weighing, and immediate delivery on car of the identical grain without mixing. Immediate delivery *shall mean that the* total period of assemblage and delivery does not exceed seventy-two *(72)* hours.

Fifteen days free storage.

"(b) Four cents *(4c)* per bushel for all grains except flax, for receiving, grading, weighing, elevating, insuring, fifteen *(15)* days or part thereof free storage, and delivering to the owner. For flax this charge shall be five cents *(5c)* per bushel.

For cleaning grain.

"(c) *Not to exceed five cents (5c)* per bushel for cleaning grain at request of owner where there are clean-

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ing facilities, in which case screenings shall be delivered to owner.

"(d) The charges for storage shall be: one-thirtieth of one cent per bushel for each day in storage after period of free storage has elapsed. For storage.

"(e) Twenty-five per cent *(25%)* reduction from the above charges shall be allowed when the market price of wheat being sold at point of origin at time of sale is less than fifty cents *(50c)* per bushel." Reduction of charges on market price of wheat less than fifty cents per bushel.

(f) The schedule of charges for cleaning shall be posted in a conspicuous place where grain is unloaded for cleaning. Schedule of charges for cleaning to be posted.

"Failure on the part of any public warehouseman to comply with the provisions of this act will render the licenses of such warehouseman subject to revocation and cancellation by the commissioner of agriculture." Revocation and cancellation of license for failure to comply.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing Clause.

Approved February 7, 1957.

CHAPTER 7

An Act to Amend Sections 3-205 and 3-214, Revised Codes of Montana, 1947, Relating to Inspecting, Grading and Weighing of Grain, and Records to be Made Thereof; To Provide That the Chief Inspector Serve as Chief Weigher, That There be Sufficient Inspectors and Weighers at All Inspection Points and Prescribing Certain Duties Therefor; to Provide That All Inspectors and Weighers be Bonded, and That Certificates Showing Weight and Grade be Issued; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 3-205, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"3-205. (3576) **Inspectors of Grain — Samplers and Weighers — Qualifications — Interest** — *Bonds.* The commissioner of agriculture shall appoint a chief inspector

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Appointment of chief inspector of grain also to serve as chief weigher of grain, and appointment of inspectors.

Inspectors at all inspection points.

Inspectors to qualify.

Bond required of inspectors—amount.

of grain for the state, *who shall also serve as chief weigher of grain for the state,* and such number of inspectors, samplers and weighers as may be necessary to properly and thoroughly enforce the provisions of this act. *At all inspection points designated by the commissioner he shall provide sufficient inspectors and weighers to inspect and weigh all grain subject to state inspection, under the supervision of the chief inspector; provided, however, that grain held in transit for inspection and diversion only, need not be weighed.* Such *chief inspector and* inspectors shall be able to qualify under the terms and in accordance with the United States federal grain standards act. *The chief inspector, inspectors and weighers shall each give bond, to be approved by the commissioner, to the state in the sum of five thousand dollars, ($5,000.00) conditioned for faithful discharge of his duties. No chief inspector,* inspector, sampler or weigher shall be interested directly or indirectly in the handling, sorting, shipping, purchasing or selling of grain or grain products."

Amending clause.

Section 2. That Section 3-214, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Exclusive control of inspectors.

Certificate of inspectors conclusive on parties.

Books and records—contents.

"3-214. (3582) **Records of Weighing and Grading Certificate.** The inspectors, samplers and weighers shall, at places provided for state inspection, have exclusive control of the weighing and grading of grain to be inspected, and the certificates of such officers relative to such weighing and grading, shall be conclusive upon all parties interested. Suitable books and records shall be kept, in which shall be entered a faithful and true record of every carload *or truckload* of grain inspected or weighed by them, and showing the number of and initial or other designation of the car *or truck* containing such *load,* its weight, the kind of grain and its grade, and if graded below standard No. 1 grade, the reason for such grade, the amount of dockage, the amount of fees and forfeitures and disposition of the same. For each car *or truckload* of grain *the inspector* shall give a certificate of inspection, showing the kind and grade of the same and the reason for all grades below No. 1 *and* the amount to be allowed for dockage, if any. *For each car or truckload weighed the weigher shall give a weight certificate showing the true weight thereof, and containing a statement showing the condition of the car or truck and evidences of leak-*

Certificate of inspection.

Weight Certificate.

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age or damage, if any. Such inspection and weight certificates shall be made available to the warehouse loading or unloading the grain, the shipper or his agent, and the railroad company, or other carrier over which the grain was shipped or carried; provided, however, that nothing in this section shall be construed to require grading or weighing by state inspectors and weighers of local deliveries of grain in trucks by the producers thereof. Inspectors and weighers shall also keep a true record of all appeals, decisions, and a complete record of every official act, which books and records shall be open to inspection by any party in interest."

Certificates available to warehouse, shipper or agent and railroad or other carrier.

Not applicable to local delivery of grain by producers.

Records required.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 9, 1957.

CHAPTER 8

An Act to Approve and Legalize and Adopt as Prima Facie the Laws of Montana the Replacement Volumes Number 2 and Number 5 of the Revised Codes of Montana of 1947, as Published by the Publishers and Distributors of Said Codes.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Replacement Volumes number 2 and number 5 of the Revised Codes of Montana of 1947 as published by the publishers and distributors of said Revised Codes of Montana of 1947 are hereby, as to both form and substance, approved, legalized and adopted as prima facie the laws of Montana now in force and effect with respect to the titles and subjects covered thereby. The sections of said replacement volumes may be cited as sections of the Revised Codes of Montana of 1947 without reference to the session laws which enacted new matter or to the session laws which have amended the sections of the Revised Codes of Montana of 1947 as included in the original compilation of the Revised Codes of Montana of 1947.

Revised Codes, adoption of replacement volumes 2 and 5.

Section 2. Nothing herein contained shall be deemed as invalidating or in any manner affecting the legality of any act or thing heretofore or hereafter done by

Saving clause, errors or ommissions not to invalidate act or law.

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authority of any enactment which is not included in said replacement volumes and nothing herein contained shall affect the existence, validity, or enforcement of any act, enactment, or title thereof, statute, or code section, omitted from or erroneously, or incorrectly set forth in said replacement volumes.

Effective immediately.

Section 3. This act shall take effect and be in full force from and after its passage and approval.

Approved February 9, 1957.

CHAPTER 9

An Act Making it Unlawful to Deliver to Any Public Warehouse Any Grain in Bulk Containing Toxic Chemicals if the Person, Firm, Corporation or Association Delivering Such Grain Knew, or by the Exercise of Reasonable Diligence, Could Have Known, of the Presence of Such Toxic Chemicals; Providing That Such Delivery Shall Constitute a Misdemeanor and Providing Penalties Therefor; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Unlawful to knowingly deliver grain containing toxic chemicals to any public warehouse.

Section 1. It shall be unlawful for any person, firm, corporation or association, to deliver to any public warehouse, any grain in bulk, if such grain contains toxic chemicals, providing such person, firm, corporation or association knew, or upon the exercise of reasonable diligence, could have known of the presence of toxic chemicals in the grain.

Punishment and fine for misdemeanor.

Section 2. Any person, firm, corporation or association violating the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars ($500.00) and not less than two hundred fifty dollars ($250.00) or be imprisoned for not more than six (6) months and not less than thirty (30) days, or both.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 9, 1957.

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CHAPTER 10

An Act to Amend Section 4-412 of the Revised Codes of Montana, 1947, Relating to the Qualifications of Persons for the Issuance of Liquor Licenses by the Board; Requiring Residence in the State of Montana for at Least One (1) Year Before the Issuance of Licenses to Persons by the Board; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date of the Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. An act to amend Section 4-412 of the Revised Codes of Montana, 1947, as follows:

Persons disqualified for license.

"4-412. **Persons Disqualified for License.** No license shall be issued by the board to:

Person convicted as keeper of house of ill fame;

1. A person who has been convicted of being the keeper or is keeping a house of ill fame.

Person convicted of pandering or crimes opposed to decency and morality.

2. A person who has been convicted of pandering or other crime or misdemeanor opposed to decency and morality, under the laws of the federal government or *any state of the United States.*

Person whose license has been revoked for cause.

3. A person whose license issued under this act has been revoked for cause.

Person ineligible on first application.

4. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.

Person or premises not qualified.

5. A person who is not qualified or whose premises do not conform to the provisions of this act, or with the rules and regulations promulgated by the board.

Persons who have not been residents of the state for at least one year.

6. A person who is not a citizen of the United States and who has not been a resident of the State of Montana for at least *one (1)* year immediately preceding the filing of the application for license.

Person who is not owner or operator of the business.

7. A person who is not the owner and operator of the business."

Repealing Clause

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 13, 1957.

CHAPTER 11

An Act Relating to the Right of Any Merchant, as Specifically Defined, to Request Any Individual on His Premises to Keep in Full View Any Merchandise the Individual May Have Removed From Its Place of Display and Providing That the Merchant Shall Not be Liable for Civil or Criminal Slander on Account of Having Made Such a Request.

Be it enacted by the Legislative Assembly of the State of Montana:

"Merchant" defined.

"Premises" defined.

"Merchandise" defined.

Section 1. The term "merchant" as used herein shall mean an owner or operator, and the agent, consignee, employee, lessee, or officer of an owner or operator, of any merchant's premises. The term "premises" shall mean any establishment or part thereof wherein merchandise is displayed, held or offered for sale. The term "merchandise" shall mean any personal property, capable of manual delivery, displayed, held or offered for sale by a merchant.

Merchant may request any individual on his premises to place or keep merchandise which individual removes from display in full view.

Merchant not liable for such request.

Section 2. Any merchant shall have the right to request any individual on his premises to place or keep in full view any merchandise such individual may have removed, or which the merchant has reason to believe he may have removed, from its place of display or elsewhere, whether for examination, purchase, or for any other purpose. No merchant shall be criminally or civilly liable for slander, false arrest, or otherwise on account of having made such a request.

Approved February 14, 1957.

CHAPTER 12

An Act to Repeal Chapter 10 Under Title 41 of the Revised Codes of Montana, 1947, Relating to Protection of Street Car Employees.

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Be it enacted by the Legislative Assembly of the State of Montana:

Repealing Chapter 10 under Title 41, R.C.M., 1947.

Section 1. That Chapter 10 under Title 41 of the Revised Codes of Montana, 1947, be, and the same is hereby repealed.

Approved February 14, 1957.

CHAPTER 13

An Act to Amend Section 3-2312 of the Revised Codes of Montana, 1947, Relating to the Montana State Egg Seal and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 3-2312 of the Revised Codes of Montana, 1947, be, and the same is hereby amended as follows:

Commissioner of agriculture to provide seal to be called "Montana state egg seal", and to set price for sale of same.

"3-2312. (2634.12) **Montana State Egg Seal.** The commissioner of agriculture is hereby authorized and it shall be his duty to provide and make available a suitable seal to be known as the Montana state egg seal; and he shall have the power from time to time to establish the price at which said seal shall be sold, but in no case shall the cost of such seal exceed one and three-quarters (1¾) mills per dozen eggs. The proceeds from the sale of said seals shall be expended by the commissioner of agriculture to assist in defraying salaries and expenses incurred in the enforcement of the provisions of this act."

Proceeds from sales applied to salaries and expenses of administering.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 14, 1957.

CHAPTER 14

An Act to Amend Section 23-608 (594), Revised Codes of Montana, 1947, Being an Act Relating to Form and Mailing of Notices of Elections; and Providing That the Notices Conform to the Statutes Regulating Hours of Election.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 23-608 (594), Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Clerks to mail notice to election judges.

"Section 23-608. (594) **Clerks to Mail to Judges Notices of Election — Form of Notices.** The clerks of the several boards of county commissioners must, at least twenty (20) days before any general election, make and forward by mail to such judge or judges as are designated by the county commissioners, three written notices for each precinct, said notices to be substantially as follows:

Form of notice.

Notice is hereby given that on the first Tuesday after the first Monday of November, 19....., at the house ....., in the county of ....., an election will be held for ..... (naming the offices to be filled, including electors of president and vice-president, a representative in congress, state, county and township officers), and for the determination of the following questions (naming them), the polls of which election will be open at *8:00 A. M.* and continuing open until *8:00 P. M.* of the same day.

Dated this ..... day of ....., A. D. 19.....

Signed A. B., Clerk of the board of county commissioners."

Approved February 14, 1957.

CHAPTER 15

An Act to Amend Section 3 of Chapter 139 of the Laws of 1955, Relating to Penalty for Miscellaneous Offenses; Providing That the Act Shall be Enforceable by All Peace Officers and State Fish and Game Wardens; Containing a Repealing Clause and Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 3 of Chapter 139 of the Laws of 1955, be, and the same is hereby amended to read as follows:

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"Section 3. A violation of this act shall be deemed a misdemeanor and it shall be punishable by a fine not to exceed ten dollars ($10.00). This act shall be enforceable by *peace officers and state fish and game wardens* of the State of Montana." Violation—misdemeanor. Enforced by peace officers and fish and game wardens.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved February 16, 1957.

CHAPTER 16

An Act Amending Section 26-202.1 of the Revised Codes of Montana, 1947, as Amended by Chapter 267 of the Session Laws of 1955, Relating to the Holders of Big Game Licenses and Requiring Persons Under Eighteen (18) Years of Age Purchasing Their First Big Game Hunting License and All Persons Fifteen (15) Years of Age or Younger to Present a Certificate of Competence, and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 26-202.1 of the Revised Codes of Montana, 1947, as amended by Chapter 267 of the Session Laws of 1955, be, and the same is hereby amended to read as follows: Amending clause.

"26-202.1. **Licenses — Fees — Classification of Licenses — Fees and Powers Under Licenses. (1) Class A License. Resident Game Bird and Fishing License.** Upon payment of a fee of three dollars ($3.00) the applicant who qualifies therefor shall receive a Class A license which shall entitle the holder thereof to pursue, hunt, shoot and kill game birds and possess dead bodies of game birds, and to fish with hook and line or rod as authorized by regulations of the commission. Class A license. Fee. Scope.

"(2) **Class A-1 License. Resident Big Game License.** *Except as herein provided,* any holder of a Class A license, who is twelve (12) years of age or older, may, upon payment of an additional sum of three dollars ($3.00), be entitled to a Class A-1 license, which will A-1 license. Fee.

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Scope.

entitle the holder to pursue, hunt, shoot and kill game animals and possess the carcass of game animals of the state which are authorized by the commission to be pursued, hunted, shot, killed, taken or possessed.

Age limitation for big game license and exceptions.

(a) On and after January 1, 1958, no big game hunting license shall be issued to any resident person under the age of eighteen (18) years unless he presents to the person authorized to issue such license either: (1) evidence that he has held a hunting license issued by this state in a prior year, or (2) a certificate of competency as provided by this section; providing further that all resident persons under fifteen (15) years of age must present a certificate of competency even if he has held a hunting license in prior years.

Course of instruction in safe handling of firearms.

The department of fish and game shall provide for a course of instruction in the safe handling of firearms and for the purpose may co-operate with any reputable association or organization having as one of its objectives the promotion of safety in the handling of firearms. The department may designate any person, found by it to be competent to give instructions in the handling of firearms. A person so appointed shall give such course of instruction and upon the successful completion thereof shall issue to the person instructed, a certificate of competency in the safe handling of firearms.

Certificate of competency.

A-2 license, bow and arrow.

"(3) **Class A-2 License — Special Bow and Arrow License. To Pursue, Hunt, Shoot, Kill, Take and Possess Deer.** Any holder of a class A-1 license may, upon payment of an additional sum of two dollars ($2.00) to any agent of the fish and game commission, authorized to issue fishing and hunting licenses, be entitled to a class A-2 license, which shall authorize the holder thereof to pursue, hunt, shoot and kill deer with bow and arrow and to possess the carcass of deer during a special season, as same may be designated by the fish and game commission.

Fee.

Scope.

Class B— non-resident, limited resident.

"(4) **Class B License — Nonresident, or a Person Having Less Than Six (6) Months Residence in the State.** Any nonresident of the State of Montana or any person who has been a resident citizen for less than six (6) months, upon payment of the sum of ten dollars ($10.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be entitled to

Fee.

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a class B license, which shall entitle the holder thereof to fish with hook and line as authorized by the rules and regulations of the commission. Scope.

"(5) **Class B-1 License — Nonresident and Persons Having Less Than Six (6) Months Residence in the State. Game Bird License.** Any nonresident of the State of Montana, or any person who has been a resident citizen for less than (6) months, upon payment of the sum of twenty-five dollars ($25.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses shall be entitled to a class B-1 license, which shall entitle the holder thereof to pursue, hunt, shoot, kill and possess game birds as authorized by the rules and regulations of the commission. Class B-1, non-resident and non-resident for less than six months. Fee. Scope.

"(6) **Class B-2 License — Nonresident or Persons Having Less Than Six (6) Months Residence in the State. Big Game License.** Any nonresident of the State of Montana, or any person who has been a resident citizen for less than (6) months, upon the payment of the sum of one hundred dollars ($100.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be entitled to a class B-2 license which shall authorize the holder to pursue, hunt, shoot, kill game animals, and to possess the carcasses of same, and to pursue, hunt, shoot, kill and possess game birds, and to fish with hook and line as may hereinafter be authorized by the rules and regulations of the commission. Class B-2, non-resident and non-resident for less than six months. Fee. Scope.

"(7) **Class B-3 License — Temporary Nonresident or Tourist License.** Any nonresident of the State of Montana, upon payment of the sum of three dollars (3.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be entitled to a temporary nonresident fishing license, which shall authorize the holder to fish with hook and line as authorized by the rules and regulations of the fish and game commission for a period of six (6) days from and after the issuance of such license. Class B-3, temporary non-resident or tourist. Fee. Scope. Term.

"(8) **Special Licenses.** Any applicant who is the holder of a class A-1 resident big game license or any applicant who is the holder of a class B-2 nonresident big game license may apply for a special license, which, Special licenses.

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in the judgement of the fish and game commission is to be issued and shall pay the following fees therefor:

Fees.

Moose, twenty-five dollars ($25.00)

Mountain goat, five dollars ($5.00)

Mountain sheep, fifteen dollars ($15.00)

Bison or buffalo, twenty-five dollars ($25.00)

Class C, trappers.

"(9) **Class C License — Trapper's License.** Any holder of a class A license, upon making application and paying the sum of ten dollars ($10.00) to the fish and game commission, shall be entitled to a trapper's license; which shall authorize the holder thereof to trap fur-bearing animals, except beaver, within the State of Montana at such times and in such manner as may be lawful so to do under the laws of the state and the regulations of the fish and game commission, and at such places as may be designated in said license.

Scope—exception.

Class C-1, land owner's trappers license.

"(10) **Class C-1 License — Land Owner's Trappers License.** Any owner or tenant, or member of the immediate family of said owner or tenant, upon making application to the fish and game commission, and upon payment of the sum of one dollar ($1.00) shall be entitled to a land owner's trapper's license which shall entitle the holder thereof to trap any furbearing animal, except beaver, on land owned or leased by him, or his immediate family, at such times and in such manner as may be lawful so to do under the laws of the state and the regulations of the fish and game commission and at such places as may be designated in said license."

Fee.

Scope.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 16, 1957.

CHAPTER 17

An Act to Amend Section 94-901, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 126, Laws of 1949, Relating to Definition of Burglary; by Providing for Substitution of the Words "Motor Vehicle and Aircraft" in Lieu of the Word "Automobile"; and Providing for an Effective Date.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 94-901 of the Revised Codes of Montana, 1947, as amended by Section 1, Chapter 126, Laws of 1949, be, and the same is hereby amended to read as follows:

Amending clause.

"94-901. (11346) **Burglary Defined.** Every person who enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse, or other building, tent, *motor vehicle and aircraft,* vessel, or railroad car, with intent to commit grand or petit larceny or any felony, is guilty of burglary."

"Burglary" defined.

Section 2. This act will take effect and be in full force and effect from and after its passage and approval.

Effective immediately.

Approved February 18, 1957.

CHAPTER 18

An Act to Amend Sections 84-5601, 84-5602, 84-5607, 84-5608 and 84-5609 of the Revised Codes of Montana, 1947, and to Amend Section 84-5606 of the Revised Codes of Montana, 1947, as Amended by Initiative No. 54 and as Amended by Chapter 123, Laws of the Thirty-third Legislative Assembly, 1953, Relating to Taxes on Cigarettes, Licensing of Dealers and Distributors of Cigarettes and Collection of Said Tax; to Provide for an Individual License for Each Cigarette Vending Machine; to Provide That the Location of the Cigarette Vending Machines May be Changed Without the Necessity of Obtaining a New License; to Provide That Users of Tax Stamping Meter Machines Must Pay Said Taxes in Cash in Advance; to Provide for the Exclusive Use of Tax Stamping Meter Machines; to Provide for a Discount of Ten Per Cent (10%) Upon Cash Payment for Taxes Collected Through the Use of Tax Stamping Meter Machines and to Provide That Said Discount Shall Not be Applicable to That Portion of the Tax Collected for Any Veterans' Honorarium; Providing for Severability of the Provisions of This Act and Repealing All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 84-5601 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows, to wit:

Definition of terms.

"84-5601. **Definitions.** As used in this act, the following definitions shall apply unless the context otherwise requires:

"(a) The word 'board' shall mean the state board of equalization of the State of Montana.

"(b) The word 'person' shall mean any individual, firm, fiduciary, partnership, corporation, trust, organization, or association however formed.

"*(c)* The word 'insignia' shall mean the impression or mark approved by the state board of equalization, under the provisions of this act.

"*(d)* The words 'public warehouses' shall mean agents or representatives of manufacturers who receive cigarettes in carload lots for distribution to distributors and retailers in original cases.

"*(e)* The word 'distributor' shall mean any person engaged in the business of producing or manufacturing cigarettes or importing any thereof into this state, for purpose of distribution or sale.

"*(f)* The words 'licensed distributor' shall mean distributor duly licensed under the provisions of this act.

(g) The word 'dealer' shall mean any person other than a distributor, who is engaged in the business of selling cigarettes at retail, *including persons who sell cigarettes at retail through* cigarette vending machines.

"*(h)* The words 'licensed dealer' shall mean any person other than a distributor, who is duly licensed under the provisions of this act.

"*(i)* The words 'sale' and 'sell' shall mean and include any transfer of cigarettes by sale, gift, barter or exchange."

Amending clause.

Section 2. That Section 84-5602 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows, to wit:

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Distributors' and dealers' license—separate application and license for each place of business.

"84-5602. **Distributors' and dealers' License — Application — Fees.** Every such distributor or dealer shall secure a license from the board before engaging in *the business of distributor or dealer.* A separate application and a separate license shall be required for each place of business owned, controlled or operated by *each distributor or dealer* within the State of Montana. *Cigarette vending machines shall not be considered to be places of business but a separate application and a separate license shall be required for each cigarette vending machine owned, controlled or operated within the State of Montana.*

Separate application and license for each cigarette vending machine.

Application form and contents.

Application for such license shall be made on forms prescribed by the board, which shall state the name and address of the applicant, the name, address and place of business to be licensed, the type of business, *or* such other information as the board may require for the proper administration of this act. Each application for a distributor's license shall be accompanied by a fee of fifteen dollars ($15.00). Each application for a dealer's license shall be accompanied by a fee of five dollars ($5.00). No dealer shall be granted a distributor's license except a *dealer* who also performs, in the usual course of business, a distributor's function. Each license so issued shall be permanently and prominently displayed on the premises *or cigarette vending machine* covered by the license. Distributors and dealers licensed under this act may buy, sell or have in their possession, only cigarettes which *have* the insignia provided for in this act on each individual package. The insignia provided for in this act shall be sold to, and affixed by, licensed distributors and *licensed dealers* only. A distributor's license shall not authorize the holder thereof to make sales of cigarettes at retail in less than carton lots."

Fees.

Distributor's license for dealer—requirement.

Licenses to be displayed.

Insignia requirements.

Distributor to sell in carton lots at retail.

Amending clause.

Section 3. That Section 84-5606 of the Revised Codes of Montana, 1947, as amended by Initiative No. 54 and as amended by Chapter 123, Laws of the Thirty-third Legislative Assembly, 1953, be, and the same is hereby amended to read as follows, to wit:

Tax on cigarettes sold or possessed in the state.

"84-5606. **The Tax.** Subdivision — (1) From and after the effective date of this amendatory law, there is hereby levied, imposed and assessed, and there shall be collected and paid to the State of Montana, upon cigarettes sold or possessed in this state, the following excise tax which shall be paid prior to the time of sale and delivery

Time of payment.

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Amount of tax.

thereof, to wit: Two cents (2c) on each package containing not more than twenty (20) cigarettes, and when packages shall contain more than twenty (20) cigarettes, then two cents (2c) on each twenty (20) or fraction of twenty (20) cigarettes contained in such package.

Additional tax.

"Subdivision—(2) From and after the effective date of this amendatory law there is hereby levied, imposed and assessed, and there shall be collected and paid to the State of Montana, upon cigarettes sold or possessed in this state, the following excise tax, in addition to the excise tax on cigarettes, levied, imposed and assessed by subdivision (1) of this Section 84-5606, an additional tax which shall be paid prior to the time of sale and delivery of such cigarettes, to wit:

Time of payment.

Amount of additional tax.

"Two cents (2c) on each package containing not more than twenty (20) cigarettes, and when package shall contain more than twenty (20) cigarettes, then two cents (2c) on each twenty (20) or fraction of twenty (20) cigarettes contained in such package; which additional tax shall continue in force until the payment and retirement of all bonds of the State of Montana, and the payment of interest thereon, issued for the purpose of paying an honorarium to the residents of this state who were in military service in the military forces of the United States in World War II.

Term of additional tax.

Insignia—stamp procedure.

"Within seventy-two (72) hours after receipt by the distributor or *dealer* of any such cigarettes, except as hereinafter provided, he shall cause to be securely affixed thereto, the required *insignia* denoting the tax thereon. Each package shall have the required *insignia affixed* thereto in such a manner that the *insignia* will be destroyed when the package is opened. Every person who shall make, alter, forge or counterfeit any license, stamp or insignia provided for in this *act,* or who shall assist or be concerned therein, or who shall have in his possession any altered, forged, counterfeit or spurious stamp, license or insignia, with intent to defraud the state, is guilty of forgery, and shall be punished by imprisonment in the state prison for not less than one (1) year or more than fourteen (14) years."

Violation to constitute forgery.

Punishment.

Amending clause.

Section 4. That Section 84-5607 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows, to wit:

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"84-5607. *Affixing of Insignia. Insignia* shall be affixed to packages of cigarettes only by licensed distributors and *dealers.* Provided, however, the provisions of this act shall not apply to public warehouses acting as agents of manufacturers." Affixing insignia.

Section 5. That Section 84-5608 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows, to wit: Amending clause.

"84-5608. *Insignia* **Purchased at Discount.** Every licensed distributor and *dealer will* be entitled to purchase said *insignia* at a discount of ten per cent (10%) of their face value, upon payment therefor. *This discount is not applicable to that portion of the tax collected for any veterans' honorarium."* Insignia—Stamps—purchased at discount. Discount not applicable.

Section 6. That Section 84-5609 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows, to wit: Amending clause.

"84-5609. **Use of Tax Stamping Meters.** The board may authorize any manufacturer, distributor or *dealer* of cigarettes to use a tax stamping meter machine with which to place an insignia upon each package of cigarettes imported, sold or delivered in this state. The insignia shall be one approved by the board. Each individual package of cigarettes imported into this state, delivered or sold therein shall be marked with the proper insignia of such tax stamping meter machine and thereafter any original package of cigarettes so marked may be lawfully possessed and sold within the state by any distributor or dealer licensed under this act. The board shall supervise and check the operation of such tax stamping meter machines. The operator of such machine, *before using the same,* shall take the meter thereof to the county treasurer, of the county in which the machine is operated, who is authorized to, and shall set said meter for the number of packages specified and required by the operator. *Prior to setting said meter the county treasurer shall collect from said operator the amount of money proper for said setting, less a discount of ten per cent (10%) on that portion of the tax not being collected for any veterans' honorarium.* The county treasurer shall immediately report to the board on forms prescribed by it, the name of the operator and the number of packages for which said Use of tax stamping meter machine may be authorized by the board and supervised and checked by the board. County treasurer to set machine and collect money for setting. Treasurer to report to board and forward collections to board.

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meter was set and *shall immediately forward to the board the amount collected from said operator.*''

Severability clause.

Section 7. The provisions of this act shall be severable and if any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this act shall continue in full force and effect.

Repealing clause.

Section 8. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 18, 1957.

CHAPTER 19

An Act to Amend Section 75-1006 of the Revised Codes of Montana of 1947, Relating to the Acceptance by the State Board of Education of the Benefits of the Land Grant for Normal Schools in the State of Montana and Authorizing the State Board of Education to Pledge the Income for the Payment of Bonds Issued for Residence Halls or Other Facilities; Providing for the Approval of the State Board of Examiners; and Repealing All Acts in Conflict Herewith; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 75-1006, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

State board of education to accept benefits of land grants for normal schools.

''75-1006. (929) **Acceptance of Public Lands.** The state board of education, herein mentioned, and their successors, shall receive, in the names of *Western Montana College of Education and Eastern Montana College of Education,* all the benefits, of whatsoever nature, that may be derived from the distribution and selection of lands contemplated in Section 17 of an act of Congress, approved February 22, 1889, entitled 'An act to provide for the division of Dakota into two states and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and state governments and to be admitted into the union on an equal footing with the original states, and to make donations of public lands to such states,' *and the state board of education*

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is hereby authorized in carrying out the provisions of Chapter 2 of Title 75 of the Revised Codes of Montana, 1947, as now amended, or as hereafter amended, to pledge one-half of all interest and income derived from said land grant for the payment in whole or in part of notes, bonds or other obligations issued by the board for residence halls or other facilities at western Montana college of education, and one-half of all interest and income derived from said land grant for the payment in whole or in part of notes, bonds or other obligations issued by the board for residence halls or other facilities at eastern Montana college of education; provided, however, that any such pledge shall be subject to any prior pledge by the board of any such interest and income. Provided further that all pledges of income and interest funds must have the final approval of the state board of examiners.''

Board authorized to pledge one-half of interest and income from such land grants for facilities at two normal colleges.

Subject prior pledges of same.

Approval of board of examiners.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved February 19, 1957.

CHAPTER 20

An Act to Amend Section 82-1507 of the Revised Codes of Montana, of 1947, as Amended by Chapter 200 of the Session Laws of Montana, of 1953, Providing for the Refund of Monies Accumulated in Excess of the Hail Insurance Levy: Providing for a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 82-1507 of the Revised Codes of Montana, of 1947, as amended by Chapter 200 of the Session Laws of Montana, of 1953, be, and the same is hereby amended to read as follows:

Amending clause.

''82-1507. **Scope and Object of Levy — Reserve Fund.**

Scope of levy.

''(1) In making the levy provided in the preceding section the State Board of Hail Insurance shall provide for:

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Administrative expenses and interest.

1. The payment of all expenses of administration, together with all interest owed or to be owing on registered warrants.

Losses not paid from reserve fund.

2. For that portion of the losses incurred during the current year which are not paid from funds drawn from the reserve fund.

Reserve fund maintenance.

3. For the maintenance of the reserve fund, a part or all of which may be used in any one year for the purpose of paying the costs of administration, interest on the warrants and losses as the same shall be settled and adjusted by the said board including the losses sustained in any prior year or years under the state hail insurance law during or subsequent to the year 1919 that have not been paid.

Provision for refund of accumulation in excess of hail insurance levy.

4. If at the end of any hail insurance season the State Board of Hail Insurance determines and finds that more funds are accumulating from the current year's levies than were estimated when the levy was made, and which funds are in excess of the need for the payment of losses and expenses and maintenance of the reserve fund, the state board of hail insurance may, at its discretion, refund to the farmers insured for the said year, on a pro rata or percentage basis the excess of the said fund. A list containing the names, addresses, and other information that the said board determines necessary shall be presented for the approval of the state board of examiners of the state of Montana. The state auditor of the State of Montana is hereby authorized to draw and issue warrants for the payment of the same.

State auditor to issue warrants.

Reserve fund limitations.

"(2) Each year when the hail board makes its annual levy for the payment of current losses, expenses of administration, and for an addition to the reserve fund if conditions permit, it shall not increase the levy enough in any year so that such addition to the reserve fund will exceed five percent (5%) of the maximum risk written for that year and provided further, that the reserve fund shall not exceed the amount of one million two hundred thousand dollars ($1,200,000.00).

Appropriation from reserve fund, limitations.

"(3) The reserve fund hereby created shall be a continuous fund and the state board of hail insurance is hereby granted the power to draw from said fund such amounts as it may deem necessary for the purpose of paying costs of administration, interest and losses, and pro-

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vided further, that whenever there are no unpaid losses for prior years and whenever in any one (1) year the cost of administration, interest and losses for the current year shall be less than the sum of sixty cents (60c) per acre on nonirrigated grains and a proportionate amount on irrigated grains and other crops, the state board of hail insurance shall not draw on the reserve fund for any purpose unless the amount required for the payment of losses for the current year, including interest on warrants and costs of administration shall exceed the amount of the estimate made by the state board of hail insurance."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 19, 1957.

CHAPTER 21

An Act to Amend Section 82-1109, Revised Codes of Montana, 1947, as Amended by Chapter 110, of the Session Laws of the Thirty-fourth Legislative Assembly of 1955, Relating to Claims for which Appropriations Have Been Made; Providing a Time Limit Within Which Claims Must be Transmitted to the Board of Examiners, and Providing a Method for Handling Claims Not Presented Within Such Time Limit and Providing for the Rejection or Approval of Such Claims in the Order of Their Presentation; Providing for a Certification That All Claims Are Correct and Just and Providing That Claims Need Not be Verified by Affidavit.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 82-1109, Revised Codes of Montana, 1947, as amended by Chapter 110 of the Session Laws of the thirty-fourth legislative assembly of 1955, be, and the same is hereby amended to read as follows:

Claims for which an appropriation has been made.

"82-1109. (238) **Claims for Which Appropriations Have Been Made.** Any person having a claim against the state, for which an appropriation has been made, may present the same to the state board of examiners in the form of an account or petition, and the secretary of the board must date, number, and file such claim, provided,

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Must be submitted to board of examiners within 20 days after close of fiscal year.

however, that all claims for which appropriations have been made must be transmitted to the said board not later than twenty (20) days after the close of each fiscal year, and claims submitted more than twenty (20) days after the close of each fiscal year and not paid as provided by subsection 3 of Section 59-701, Revised Codes of Montana, 1947, by reason of exhausted appropriation shall be transmitted to the next succeeding legislative assembly in the same manner as provided in Section 82-1119, Revised Codes of Montana, 1947. The said board must allow or reject claims submitted not later than twenty (20) days after the close of each fiscal year in the order of their presentation.

Statement to be contained in claim.

"All claims against the state shall contain the following statements: 'I certify that this claim is correct and just in all respects, and that payment or credit has not been received.' Claims need not be verified by affidavit."

Approved February 19, 1957.

CHAPTER 22

An Act Relating to the Salaries of County Officers; Providing for Fixing and Determining the Amount of Such Salaries on the Basis of Population and Taxable Valuation of the County; Providing the Method and Procedure to be Followed in Fixing the Amount of Such Salaries; Providing That This Act Shall Not Effect Any Change in the Salary of Any County Officer in Office on the Effective Date Hereof; Amending Section 25-605, and Repealing Sections 25-606 and 25-607 of the Revised Codes of Montana, 1947, as Amended, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 25-605, Revised Codes of Montana, 1947, as amended by Chapter 222, Session Laws of 1953, be, and the same is hereby amended to read as follows:

Salaries of certain county officials.

"25-605. **Salaries of Certain County Officers.** The salaries of county treasurers, county clerks, *county attorneys, sheriffs,* county assessors, county superintendents of

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schools, and of county surveyors in counties where county surveyors now receive salaries, as provided in Section 32-303, *Revised Codes of Montana, 1947,* shall be based on the population and taxable valuation of the county in accordance with the following schedule:

Population of County	Salary Col. A	Taxable Valuation of County	Salary Col. B
Below 3,000	*$1,614*	Below $2,000,000	*$1,614*
3,000 to 3,999	*1,682*	$ 2,000,000 to 2,999,999	*1,682*
4,000 to 4,999	*1,752*	3,000,000 to 3,999,999	*1,752*
5,000 to 5,999	*1,822*	4,000,000 to 4,999,999	*1,822*
6,000 to 6,999	*1,905*	5,000,000 to 5,999,999	*1,905*
7,000 to 7,999	*1,948*	6,000,000 to 6,999,999	*1,948*
8,000 to 8,999	*2,012*	7,000,000 to 7,999,999	*2,012*
9,000 to 9,999	*2,076*	8,000,000 to 9,999,999	*2,076*
10,000 to 12,499	*2,196*	10,000,000 to 11,999,999	*2,196*
12,500 to 14,999	*2,263*	12,000,000 to 13,999,999	*2,263*
15,000 to 17,499	*2,329*	14,000,000 to 15,999,999	*2,329*
17,500 to 19,999	*2,395*	16,000,000 to 17,999,999	*2,395*
20,000 to 24,999	*2,406*	18,000,000 to 19,999,999	*2,406*
25,000 to 29,999	*2,494*	20,000,000 to 22,499,999	*2,494*
30,000 to 39,999	*2,572*	22,500,000 to 24,999,999	*2,572*
40,000 to 49,999	*2,663*	25,000,000 to 29,999,999	*2,663*
50,000 to 59,999	*2,755*	30,000,000 to 34,999,999	*2,755*
60,000 to 69,999	*2,849*	35,000,000 to 39,999,999	*2,849*
70,000 to 79,999	*2,944*	40,000,000 to 44,999,999	*2,944*
80,000 *to 89,999*	*3,052*	45,000,000 to 49,999,999	*3,052*
90,000 to 99,999	*3,114*	50,000,000 to 54,999,999	*3,114*
100,000 and over	*3,176*	55,000,000 to 59,999,999	*3,176*
		60,000,000 to 64,999,999	*3,263*
		65,000,000 to 69,999,999	*3,325*

"The total salary paid to county treasurers, county clerks, *county attorneys, sheriffs,* county assessors, county superintendents of schools, and of county surveyors in counties where county surveyors receive salaries, as provided in Section 32-303, *Revised Codes of Montana, 1947,* shall be the sum of the salary shown in Column A based on population when added to the salary shown in Column B based on taxable valuation."

Procedure to determine salary.

Section 2. That Sections 25-606 and 25-607, Revised Codes of 1947, as amended by Section 2 and Section 3 of

Repealing clause.

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Chapter 222, Session Laws of 1953, and all other acts and parts of acts in conflict herewith are hereby repealed.

Approved February 19, 1957.

CHAPTER 23

An Act Authorizing the Governor of Montana to Assent on Behalf of the State of Montana to an Agreement to be Entered Into Between the Government of the United States of America and the Government of Canada for, and on Behalf of, the State of Montana and its Citizens, and the Province of Alberta and its Citizens, for a Division Between Said State and Said Province of the Waters of the Sage Creek Basin; Prescribing the Formula to be Used for Effecting the Division of the Subject Waters; and Waiving Certain Rights Under the Boundary Waters' Treaty Signed at Washington on January 11, 1909; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Governor authorized and empowered to assent to agreement between U. S. and Canada,

Section 1. The Governor of Montana is hereby authorized and empowered to assent, on behalf of the State of Montana, to an agreement to be entered into between the government of the United States of America and the government of Canada for, and on behalf of, the State of Montana and its citizens, and the Province of Alberta and its citizens, concerning a division of the waters of the Sage Creek Basin, the said basin being the watershed of an international stream; and, if such agreement be entered into, and such assent given, the Governor of Montana is hereby authorized and empowered to take such action as may be necessary to carry the agreement into effect.

concerning division of water of Sage Creek basin.

Provisions of such agreement.

Section 2. The said agreement shall in substance provide for:

Construction of reservoir;

1. Construction, by the prairie farm rehabilitation administration or other agency of the government of Canada, of a reservoir in Canada at Elbow Coulee to provide capacity for approximately 7,500 acre-feet of live storage;

supply canal to the U. S.;

2. Construction, by the same agency, of a "Supply Canal to the United States" on the west side of Sage

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Creek to carry all of the stored water apportioned to the Montana ranchers from a point in Sage Creek below the reservoir to the point where Sage Creek crosses the international boundary. Final location of this canal will be recommended by the Canadian authorities concerned, after completion of a survey by the prairie farm rehabilitation administration;

formation of water storage society to:

3. Formation of a water storage society or other organization of the Canadian ranchers appropriate under Alberta laws which will be responsible for:

maintain and operate such reservoir;

(a) maintenance and operation of the reservoir and of the diversion works at the head of the supply canal to the United States;

apportionment of water;

(b) apportionment of the impounded water as between the Alberta ranchers and the Montana ranchers in accordance with the formula outlined hereunder;

diversion;

(c) diversion of the United States' share of the impounded water to the supply canal to the United States referred to in paragraph 2 above;

records; and

(d) provision of suitable storage apportionment and diversion records to the representative of the Montana ranchers and to the board referred to in paragraph 5 below;

maintain channel.

(e) maintenance of Sage Creek channel between the reservoir and the point of diversion to the supply canal to the United States in a condition satisfactory to the board referred to in paragraph 5 below.

To cooperate with Montana ranchers.

4. The water storage society or other organization mentioned in paragraph 3 to cooperate with the Montana ranchers and, as and when requested by a representative of the Montana ranchers, to release and divert to the supply canal to the United States all or part of the Montana ranchers' share of the water then impounded in the reservoir;

Inspection.

5. Inspection of the reservoir, channel and diversion works and the records of the storage society by an international board created by the international joint commission, to verify compliance with the terms of the agreement for apportionment of the stored water; said board to recommend subsequently any adjustment which may be appropriate;

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Maintenance.

6. Maintenance of the supply canal to the United States in a condition satisfactory to the board referred to in paragraph 5 above, to be the responsibility of the Montana ranchers, who will be permitted appropriate access to the canal for this purpose at all reasonable times;

Apportionment.

7. Apportionment of water shall apply to water remaining in the reservoir at the commencement of the water year, together with the season run off impounded in the reservoir, regardless of whether the run off occurs during only one period of days or weeks or during two or more such periods. Such water shall be apportioned to the Alberta ranchers and the Montana ranchers in the following manner:

(a) If the amount of water thus available in the reservoir for apportionment during the water year is 3,750 acre-feet or less, one third thereof shall be apportioned to the Montana ranchers and two thirds to the Alberta ranchers;

(b) If the amount is more than 3,750 acre-feet but not more than 5,000 acre-feet, 1,250 acre-feet thereof shall be apportioned to the Montana ranchers and the remainder to the Alberta ranchers;

(c) If the amount is more than 5,000 acre-feet one fourth thereof shall be apportioned to the Montana ranchers and three fourths to the Alberta ranchers; provided, that if in any year the amount is more than 7,500 acre-feet, the water in excess of 7,500 acre-feet shall be made available to the Alberta ranchers if they can use it.

If the capacity of the reservoir for live storage should prove to be less than 7,500 acre-feet, the amounts of water stated above will be reduced proportionately.

Measurement—where made.

8. Measurement of diversions to be made at the point of diversion from Sage Creek to the supply canal to the United States;

Water loss apportionment.

9. Reservoir losses, defined as "changes in reservoir storage which are unexplained by inflows and deliveries," and physical losses in Sage Creek channel between the reservoir and the point of diversion to the supply canal to the United States, to be shared in the same proportions as the water impounded in the reservoir;

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10. All waters in Sage Creek Basin in Alberta, other than the Montana ranchers' share of water impounded in the reservoir calculated in accordance with the formula outlined in paragraph 7 above, to be available for use in Alberta; Other water than impounded.

11. The flow of water across the international boundary in the Sage Creek Basin not be obstructed in Montana in a manner which causes or is likely to cause damage in Alberta; Flow to be unobstructed.

12. In consideration of the apportionments of water to be made pursuant to the aforementioned arrangements, the State of Montana and the Montana ranchers to waive any and all rights they might otherwise assert, under Article II of the Boundary Waters' Treaty of 1909, respecting the waters of the Sage Creek Basin. Waiver of rights under Treaty of 1909.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved February 19, 1957.

CHAPTER 24

An Act to Amend Section 26-401 of the Revised Codes of Montana, 1947, as Amended by Chapter 153, Laws of 1953, Relating to the Protection of Beaver; Permits and Fee; Tagging, Importing and Exporting of Skins; Expiration of Permits; Penalty for Violation; to Provide for Reducing Fee for a Beaver Permit and Extending the Expiration Date of Beaver Permits From May First to June First and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 26-401 of the Revised Codes of Montana, 1947, as amended by Chapter 153, Laws of 1953, be, and the same is hereby amended to read as follows: Amending clause.

"Section 26-401. (3722) **Protection of Beaver — Permits and Fee — Tagging, Importing and Exporting of Skins — Expiration of Permit — Penalty for Violation.** No person shall take, trap, shoot, kill, capture or attempt to take, trap, shoot, kill or capture, or in any way des- Protection of beaver.

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troy any beaver in the State of Montana, or possess, buy, sell, ship or transport within or without the state, or cause the same to be done, any beaver or any part thereof including skins or hides and castors whether taken within or coming from without the state, except as hereinafter permitted.

Commission may declare open beaver season.

"Whenever beaver have increased in number to such an extent that in the judgment of the state fish and game commission the number of such beaver should be reduced, the commission shall have the authority to declare an open season on beaver under such rules and regulations as it shall prescribe; provided, however, that nothing herein contained shall authorize trapping on privately owned or leased lands, except with the approval of the landowner or lessee, or as hereinafter provided.

Permits and fees.

"The State Fish and Game *Director* may issue a permit to any bona fide owner or lessee of real estate which is being actually and materially damaged by beaver, to trap beaver on his own or leased premises only, and provided that the *Director* shall, when issuing the permit mentioned, designate therein the maximum number of beaver that may be trapped under such permit. The fee for such permit shall be *five dollars ($5.00)*. All applications for beaver permits shall be filed with the State Fish and Game *Director* between the dates of May first and September thirtieth of each year. The term 'premises' shall be construed to include any irrigation ditch or right of way appurtenant to the land for which said license or permit is issued.

"Premises" defined.

Examination of premises.

"That the State Fish and Game *Director* shall in person or, by *warden,* examine the premises and investigate the alleged damage by beaver before issuing a license or permit.

Disposal of beaver skins.

"Any person trapping beaver under a license or permit of the State Fish and Game *Director* shall properly care for all skins of beaver taken thereunder and as soon as cured shall send to the state fish and game warden residing in this county, or in event of such *warden* being absent or unable to act, then to the nearest *warden* from the place of the trapper's residence, and send to such officer an affidavit giving his name, residence, license or permit number, the date and place of capture, with the number so captured, together with fifty cents (50c) for each skin, and if such officer is satisfied of the legal taking

Affidavit and tag fee.

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of the same, he shall thereupon immediately forward such affidavit with the money, and a report, to the State Fish and Game *Director*; and upon the receipt thereof the State Fish and Game *Director* shall forward to such *warden* numbered metal tags sufficient in number for one to be attached to each skin covered by the affidavit; upon receipt of such tags the *warden* shall so attach them to the skins.

Tags to be attached to skins.

"Any person who shall receive or bring into from without the state any beaver skin or skins duly tagged with a distinctive numbered metal tag of another state, shall report their arrival within ten (10) days to the State Fish and Game *Director* and furnish an affidavit setting forth the number of skins, the date of receipt, the name and address of the person from whom procured, the manner or method of transportation into the state, and the numbers designated on the tags, and the name of the state so tagging the same, and the same shall be accompanied by a fee of fifty cents (50c), and it shall not be necessary for such skins to be re-tagged with a Montana tag, nor any other fees paid therefor.

Beaver skins from outside the state, with tags,

need not be re-tagged.

"The State Fish and Game *Director* shall keep a record of all skins so reported.

Record of skins reported.

"Each metal tag shall remain attached to the beaver skin to which it was originally affixed until it is dressed and manufactured into an article of commerce, or it shall accompany any skin shipped or transported out of the state. It shall be a misdemeanor, punishable as hereinafter provided, to remove a tag from such skins, to duplicate or reproduce such tags for fraudulent purposes or use contrary to the provisions of this act, or to misuse any tag detached from the skin to which it was originally attached.

Tag to remain on skin.

Transportation out of state.

Violation— misdemeanor.

"Beaver skins taken within the state under permit, and those coming from without the state, tagged as herein provided may be possessed, bought, sold or transported at any time within the State of Montana, but no beaver skin or skins may be exported in any manner from the state without the shipper first obtaining an export or shipping permit from the State Fish and Game *Director*, which may be issued upon application showing the kind and number of the metal tags on said skins and the pay-

Export or shipping permit required.

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Fee.

ment of a fee of sixty cents (60c) for the permit for each shipment.

Container for shipment out of state—markings.

"Any package offered for transportation from the state which contains a beaver skin or skins shall be clearly marked on the outside thereof with the names and addresses of the consignor and consignee, the number and kind of skins contained therein, and the number of the shipping permit.

Penalty.

"Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and upon conviction shall be punished as provided by Section 26-324.

Declared contraband.

Any beaver skin or skins taken or found in this state or which have been shipped out of this state except as specifically permitted by this section are being hereby declared contraband and shall be seized by the State Fish and Game *Director, warden* or other officer authorized to enforce the provisions of this act. All skins so seized shall be marked or tagged for identification and sold by the State Fish and Game *Director* at public auction in the State of Montana, after advertising at least fifteen (15) days prior to the date of sale, and the proceeds therefrom turned into the state treasury to be credited to the fish and game fund.

Sale at public auction.

Proceeds.

Permit expiration date.

"Beaver trapping permits issued under the provisions of this act shall expire *June* first of each year and all beaver skins taken thereunder and not reported and tagged according to the provisions of this section prior to *July* first following, shall be subject to seizure and sale as herein provided."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 19, 1957.

CHAPTER 25

An Act Empowering the Board of Education to Appoint Biennially a Budget Committee to Review Budget Requests of the State Vocational School for Girls, State Orphans' Home, Montana State Industrial School, Montana State Training School and Montana State School for the Deaf and Blind; to Transmit a Report of Such

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Requests Together With Its Recommendations to the Board of Education; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of education to appoint budget committee—number and term.

Duties.

Section 1. That the state board of education shall have the power and it shall be its duty to appoint each two (2) years, a budget committee composed of four (4) members selected from the appointive members of the board, whose duties shall be to review the budget requests presented by the state vocational school for girls, state orphans' home, Montana state industrial school, Montana state training school and Montana state school for the deaf and blind, and to transmit such requests to the board together with recommendations thereon.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 19, 1957.

CHAPTER 26

An Act to Amend Section 75-2401 of the Revised Codes of Montana of 1947, as Amended by Chapter 166, Session Laws of 1949, Relating to the Re-election of Teachers, and Making Re-election Automatic After the Fourth Consecutive Year; and Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 75-2401 (1075) of the Revised Codes of Montana of 1947, as amended by Chapter 166, Session Laws of 1949, be, and the same is hereby amended to read as follows:

Re-election of teachers, when automatic.

"75-2401. (1075) **Re-election of Teachers — When Automatic — Acceptance.** After the election of any teacher or principal for the *fourth* consecutive year in any school district in the state, such teacher or principal so elected shall be deemed re-elected from year to year thereafter at the same salary unless the board of trustees shall by majority vote of its members on or before the first day of April give notice in writing to said teacher or princi-

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Written notice— contents.

pal that he has been re-elected or that his services will not be required for the ensuing year, but in this written notice, the board of trustees, if requested by the teacher or principal, must declare clearly and explicitly the specific reason or reasons for the failure of re-employment of such teacher. The teacher or principal, if he so desires, shall be granted a hearing and reconsideration of such dismissal, before the board of trustees of that school district. The request for a hearing and reconsideration must be made in writing and submitted to the board of school trustees within ten (10) days after receipt of notice of dismissal. The board of trustees must hold a hearing and reconsider its action within ten (10) days after receipt of such request for a hearing and reconsideration. Provided that nothing in this act shall be construed to prevent the re-election of such teacher or principal by such board at an earlier date, and also provided that in case of re-election of such teacher or principal, he shall notify the board of trustees in writing within twenty *(20)* days after the notice of such re-election of his acceptance of the position tendered him for another year and failure to so notify the board of trustees shall be regarded as conclusive evidence of his nonacceptance of the position."

Hearing in case of dismissal.

Earlier re-election of teachers,

and acceptance by teacher.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immedeately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 20, 1957.

CHAPTER 27

An Act to Amend Section 41-1603 of the Revised Codes of Montana, 1947, Relating to Salary of the Commissioner of Labor and Industry, and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 41-1603 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"41-1603. **Commissioner of Labor and Industry — Term — Salary — Oath — Bond.**

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"The term of office of the commissioner of labor and industry appointed at this time shall terminate on March 4, 1953; and, the term of office of the commissioner of labor and industry appointed thereafter shall be four (4) years and until his successor is appointed and qualified. The commissioner shall receive an annual salary of *six thousand dollars ($6,000.00)* payable monthly. Before entering on the duties of his office, he must take and subscribe to the oath of office prescribed by Section 1, Article XIX of the Montana Constitution and execute an official bond in the amount of one thousand dollars ($1,000 00)." Term of office. Salary. Oath. Bond.

Section 2. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved February 21, 1957.

CHAPTER 28

An Act to Amend Section 11-1832 of the Revised Codes of Montana, 1947, as Amended by Chapter 47, Session Laws of 1951, Relating to a Minimum Wage to be Paid Police Officers in Cities of the First and Second Class; Providing the Amount of Such Minimum Wage; Providing for an Annual Percentage Increase; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-1832 of the Revised Codes of Montana, 1947, as amended by Chapter 47, Session Laws of 1951, be and the same is hereby amended to read as follows: Amending clause.

"11-1832. **Minimum Wage of Police in First and Second Class Cities.** That from and after July 1, *1957,* there shall be paid to each duly confirmed member of the police department of cities of the first and second class of the State of Montana, a minimum wage for a daily service of eight (8) consecutive hours' work, of at least *three hundred and fifty dollars ($350.00) minimum per* month for the first year of service, and thereafter of at least *three hundred and fifty dollars ($350.00) minimum per month plus one percent (1%) of said minimum base monthly salary three hundred and fifty dollars ($350.00)* Mimimum wage of police in cities of first and second class.

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for each additional year service up to and including the twentieth year of such additional service."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 21, 1957.

CHAPTER 29

An Act to Amend Section 11-1815 of the Revised Codes of Montana, 1947, as Amended by Chapter 9, Session Laws of the Thirty-second Legislative Assembly, 1951, Relating to the Fixing of a Minimum Salary of the Chief of Police, in Cities of the First Class; Providing the Amount of Such Minimum Salary; Providing for an Annual Percentage Increase; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 11-1815 of the Revised Codes of Montana, 1947, as amended by Chapter 9, Session Laws of the thirty-second legislative assembly, 1951, be, and the same is hereby amended to read as follows:

Salary of chief of police in cities of the first class—minimum.

Additional percentage increase annually.

Increased salary may be allowed.

"11-1815 (5107) **Salary of Chief of Police.** *That from and after July 1, 1957,* the salary of the chief of police in cities of the first class shall not be *less* than *four hundred fifty dollars ($450.00)* per month *for the first year of service, and thereafter of at least four hundred fifty dollars ($450.00) per month, plus one per cent (1%) of said minimum base monthly salary for each additional year of service up to and including the twentieth year of such additional service.* Subject to such *minimum* the salary of the chief of police may be increased from time to time by the mayor, subject to the consent and approval of the council."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 21, 1957.

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CHAPTER 30

An Act to Amend Section 11-730 of the Revised Codes of Montana, 1947, as Amended by Chapter 10, Session Laws of the Thirty-second Legislative Assembly, 1951, Relating to Fixing a Minimum Salary of Chief of Police in Cities of the Second and Third Class; Providing for an Annual Percentage Increase; Providing the Amount of Such Minimum Salary and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 11-730 of the Revised Codes of Montana, 1947, as amended by Chapter 10, Session Laws of the thirty-second legislative assembly, 1951, be, and the same is hereby amended to read as follows:

Minimum salary of chief of police in cities of second class.

"11-730 (5024) **Salary of Chief of Police.** *That from and after July 1, 1957* the annual salary and compensation of the chief of police *shall be not less than, in cities of the second class, four hundred twenty-five dollars ($425.00) per month for the first year of service, and thereafter, of at least four hundred twenty-five dollars ($425.00) per month, plus one per cent (1%) of said minimum base monthly salary for each additional year of service up to and including the twentieth year of such additional service; and, in cities of the third class the salary and compensation of the chief of police shall be not less than three hundred twenty-five dollars ($325.00) per month, for the first year of service, and thereafter, of at least three hundred twenty-five dollars ($325.00) per month, plus one per cent (1%) of said minimum base monthly salary for each additional year of service up to and including the twentieth year of such additional service. Subject to such minimum salary of the chief of police in cities of the second and third class, the salary of the chief of police may be increased from time to time by the mayor, subject to the consent and approval of the council.*

Annual percentage increase.

Cities of the third class.

Annual percentage increase.

Increased salary may be allowed.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 21, 1957.

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CHAPTER 31

An Act to Amend Section 75-2204 of the Revised Codes of Montana, 1947, by Providing Veterans' Day, November 11, as a Legal Holiday, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 75-2204 of the Revised Codes of Montana, 1947, be amended so as to read as follows:

Leagal holidays designated; no school sessions.

"75-2204. **Legal Holidays — School Sessions, When Suspended.** No school shall be in session on the following holidays: New Year's day, Memorial day (May 30th), Independence day (July 4th), Labor day (first Monday in September), *Veterans' day (November 11th),* Thanksgiving day, or Christmas day; provided, however, that in school districts where the school building must be used for election purposes, state and national election day shall be deemed a legal holiday under the provisions of this act. No school shall be dismissed on the following holidays, but appropriate exercises as a part of the day's program shall be held in each school when school is in session, on each of the said holidays, and where such holidays fall on Saturday or Sunday such exercises shall be conducted on the Friday preceding such holiday: Lincoln's Birthday (February 12th), Washington's Birthday (February 22d), Arbor day (second Tuesday of May), Flag day (June 14th), Columbus day (October 12th), Pioneer day (November 1st), and such other days as may hereafter be designated as legal holidays by the legislature or governor.

School sessions to be held on some holidays—specified.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 21, 1957.

CHAPTER 32

An Act Relating to the Transfer of Jurisdiction, Control, Supervision, Custody, Property and Records of Petroleum Field Station, Located in Billings, Yellowstone County, Montana, From Bureau of Mines and Geology of the State of Montana School of Mines to the Oil and

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Gas Conservation Commission of the State of Montana; Providing for the Physical Transfer of All Property Used in Connection With the Operation of Said Station; Providing for Availability of Same to Bureau of Mines and Geology After Transfer; Providing Effective Date of Transfer; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Terms defined.

Section 1. **Definitions.** In this act the expression:

(a) "Bureau" shall mean the bureau of mines and geology of the State of Montana School of Mines;

(b) "Commission" shall mean the oil and gas conservation commission of the State of Montana;

(c) "Station" shall mean the petroleum field station located in the city of Billings, county of Yellowstone, State of Montana, including all real and personal property used in connection with the operation of said station, and buildings and structures upon such real property.

Transfer of jurisdiction and records to the oil and gas conservation commission.

Section 2. **Transfer of Jurisdiction and Record.** On or before the effective date, as hereinafter provided, all jurisdiction, control, supervision, custody, property and records of the said station shall be and become transferred from the jurisdiction of the bureau to the commission, and the said commission shall, after the effective date hereinafter provided, assume the said jurisdiction, control, supervision and custody of all property, real and personal, and records located at or pertaining to the said station; that the property so transferred shall be and become the property of the commission; that the operation and maintenance of the said station shall be done and performed by the commission from and after the said effective date hereinafter provided, and the necessary expenditures therefor shall be paid from the oil and gas conservation commission fund, upon proper vouchers, by the state treasurer; that the said transfer of property, real, personal, or mixed, and the records from the bureau to the commission shall be made without lien, encumbrance, or obligation of any sort, upon said property and records, and it is the express intention

Operation and maintenance by the commission.

Transfer to the commission without encumbrances.

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hereby to transfer said property and records to the commission free and clear.

Availability of facilities to bureau of mines and geology.

Section 3. **Availability of Facilities to Bureau.** The commission is, by this act, authorized to make available to the authorized personnel or representatives of the bureau such facilities, equipment, records, and cores and cuttings, or samples of cores and cuttings, as are, or may be, required by the bureau in the furtherance of its oil and gas research and study.

Effective July 1, 1957.

Section 4. **Effective Date.** The effective date of the transfer as hereinbefore described, provided and directed, shall be July 1, 1957.

Repealing clause.

Section 5. All acts or parts of acts in conflict herewith are hereby repealed.

Approved February 21, 1957.

CHAPTER 33

An Act to Repeal Sections 84-3301 to 84-3307, Inclusive, Revised Codes of Montana, 1947, Relating to Licenses for Moving Picture Theatres, and Fees Therefor; and Providing Date When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Sections 84-3301 to 84-3307, inclusive, R.C.M., 1947, repealed.

Section 1. That Sections 84-3301 to 84-3307, inclusive, Revised Codes of Montana, 1947, be, and the same are hereby repealed.

Effective date.

Section 2. That this act shall be in full force and effect from and after April 1, 1957.

Approved February 21, 1957.

CHAPTER 34

An Act Relating to the Creation of a Legislative Council Consisting of Six Members of the House of Representatives Appointed by the Speaker of the House of Representatives and Six Members of the Senate Appointed by the Committee on Committees of the State Senate; Providing that No More than Three Members Appoint-

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ed from Each House Shall Be of the Same Political Party; Providing When the First Members of Said Council Shall be Appointed; Providing for Terms of Office and Filling Vacancies on Said Council; Prescribing the Powers and Duties of Said Council; Providing for the Employment of an Executive Director and Necessary Personnel Including the Services of Research Agencies; Providing for Appointment of Special Committees and Prescribing Their Composition and Functions; Providing That the Members of Said Council and Committees Shall Serve Without Compensation Except for Actual Travel and Other Incidental Expenses Incurred in the Discharge of Their Duties; Providing for the Election of a Chairman of the Council and Its Organization by the Members Thereof; Providing for Appropriation of Funds for the Purpose of Carrying Out the Provisions of This Act; Containing a Constitutional and Validity Clause and Containing An Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Legislative council created. Membership.

Section 1. There is hereby created a legislative council which shall consist of six (6) members of the house of representatives who shall be appointed by the speaker of the house of representatives, no more than three (3) of whom shall be of the same political party, and six (6) members of the state senate who shall be appointed by the committee on committees of the state senate, no more than three (3) of whom shall be of the same political party. The first members of the legislative council shall be appointed not later than the sixtieth legislative day of this session. New members of the council shall be appointed not later than the sixtieth legislative day of each succeeding session. Membership on said council shall terminate with the termination of each member's term of office, or on December 31 of the year following the year in which the appointment was made, whichever event first occurs. Any vacancy on said legislative council occuring when the legislature is not in session may be filled by the selection of another member of the legislature, by the remaining members of the council.

Term of office.

Powers and duties.

Section 2. **Powers and Duties.** The legislative council shall accumulate, compile, analyze and furnish such in-

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formation bearing upon any matters relating to existing or prospective legislation as may be determined by it upon its own initiative pertaining to important issues of policy and questions of statewide importance, including but not limited to investigation and study the possibilities of consolidations of departments, commissions, boards and institutions in state government for the elimination of unnecessary activities and duplications in office personnel and equipment, for the coordination of activities, for the purpose of increasing efficiency of service or effecting economies, and for the purpose of studying and inquiring into the financial administration of state governments and subdivisions thereof, including the problems of assessment and collection of taxes, and all other matters pertaining to the function of all departments and branches of state government.

The legislative council shall prepare such bills and resolutions as in its opinion the welfare of the state may require for presentation to the next regular session of the legislative assembly.

May employ executive director, and other employees

Compensation of employees.

Section 3. The legislative council may employ an executive director and such other personnel, not members of the council, as it deems necessary to assist in the preparation of its recommendations, proposed legislative acts and any other activities and shall fix the compensation of such employees. It shall further have the power to employ the services of any research agency which it deems necessary in the discharge of its duties.

May appoint special committees to study specific problems and to make recommendations.

The legislative council may appoint special committees composed of either other members of the legislature or private citizens or both, to study and inquire into any specific govenmental problem and to make recommendations for the solution of the same. The work of such special committees shall be performed under the general supervision of the legislative council and the personnel, data and facilities of said council shall be made available to such special committees.

Authority to investigate and examine costs of state government—books and records.

Section 4. The legislative council shall have authority to investigate and examine into the costs of state governmental activities and may examine and inspect all records, books and files of any department, agency, commission, board or institution of the State of Montana.

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Authority to hold hearings administer oaths, issue subpoenas, compel attendance of witnesses and production of records and testimony by deposition.

Section 5. In the discharge of its duties the legislative council shall have authority to hold hearings, administer oaths, issue subpoenas, compel the attendance of witnesses, and the production of any papers, books, accounts, documents and testimony, and to cause depositions of witnesses to be taken in the manner prescribed by law for taking depositions in civil actions in the district court. In case of disobedience on the part of any person to comply with any subpoena issued on behalf of the council, or any committee thereof, or of the refusal of any witness to testify on any matters regarding which he may be lawfully interrogated, it shall be the duty of the district court of any county or the judge thereof, on application of the legislative council to compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from such court on a refusal to testify therein.

Petition for contempt.

Members to receive actual expenses— no compensation.

Section 6. Members of the legislative council and its committees shall serve without compensation but shall be reimbursed for actual travel and other expenses incurred in the discharge of their duties, including attendance at meetings.

Organization, rules, records.

Section 7. The legislative council shall organize within thirty (30) days after the passage and approval of this act by electing one (1) of its members as its chairman and by electing such other officers from among its membership as the council may deem desirable. The council is empowered to adopt rules of procedure and to make all arrangements for its meetings and to carry out the purpose for which it is created. The council and its committees are directed to keep accurate records of their activities and proceedings.

$100,000.00 appropriated.

Section 8. There is hereby appropriated the sum of one hundred thousand dollars ($100,000.00) for the purpose of carrying out the provisions of this act.

Severability clause.

Section 9. If any sentence, section, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this act. The legislative assembly of the State of Montana hereby declares that it would have passed this act irrespective of the fact that any one or more sections, sentences, clauses or phrases may be declared unconstitutional or invalid.

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Effective immediately.

Section 10. This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1957.

CHAPTER 35

An Act to Amend Sections 1, 2, and 4 of Chapter 106, Laws of 1955, Relating to the Construction or Reconstruction of Major Bridges on the Designated Primary or Secondary Highways of the State of Montana, and Providing that the Highway Commission Must Adopt a Resolution as a Prerequisite to Expenditure; and Authorizing the State Highway Commission to Allocate Funds for Such Purposes Prior to Apportionment to the Financial District; and Providing That Any Such Expenditure Shall be Deducted From Future Apportionments to the Financial District; by Providing for Construction or Reconstruction of Major Bridges on the Designated Secondary Highways of the State of Montana; Providing That Any Such Expenditure Shall be Deducted From Future Apportionments to the District; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause

Section 1. That Section 1 of Chapter 106, Laws of 1955, be, and the same is hereby amended to read as follows:

Commission may allocate money for bridge construction or reconstruction on state primary or secondary highway system.

"Section 1. The state highway commission is hereby authorized to allocate from available state construction moneys for the federal aid highway system a sum of one million dollars ($1,000,000.00), or so much thereof as may be necessary, in any fiscal year for the *construction or* reconstruction of any major bridge or bridges on the state primary *or secondary* highway system when the *construction or* reconstruction of any such bridge or bridges would prohibit or seriously delay the orderly and necessary highway construction program in the financial districts if regularly apportioned funds were used."

Amending clause.

Section 2. That Section 2 of Chapter 106, Laws of 1955, be, and the same is hereby amended to read as follows:

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Reconstruction or construction project on primary bridges must be in excess of $500,000.00,

and on secondary bridges where cost in excess of apportionment.

"Section 2. The allotment of funds under this act may be expended by the state highway commission on *primary* bridges where the engineer's estimate of cost of *construction or* reconstruction is in excess of the sum of five hundred thousand dollars ($500,000.00), *and on secondary bridges where the engineer's estimate of cost of construction or reconstruction is in excess of the total estimated future regular apportionment of state construction moneys to the federal aid secondary system to the county or counties for a period of three (3) years,* but only when the state highway commission by resolution, as part of its finding of public necessity, declares that a bridge should be *constructed or* reconstructed on a designated portion of the state primary *or secondary* highway."

Amending clause.

Section 3. That Section 4, Chapter 106, Laws of 1955, be, and the same is hereby amended to read as follows:

Deduction from future apportionments for 5-year period on primary bridges.

"Section 4. *(a)* The expenditure of moneys *on the construction or reconstruction of primary bridges* in any financial district from such allotment shall be deducted in equal installments from the future regular apportionment to that financial district over a period of not to exceed five (5) years, the first deduction commencing in the next fiscal year following the year in which the expenditure was made."

Deduction from future apportionments pursuant to Section 84-1817 (3), R. C. M., 1947, as amended, for a period of ten years.

(b) The expenditure of moneys on the construction or reconstruction of secondary bridges from such allotment shall be deducted in equal installments from the future regular apportionments to the financial district pursuant to the provisions of Section 84-1817 (3), Revised Codes of Montana, 1947, as amended by Chapter 240, Laws of 1953, over a period not to exceed ten (10) years, the first deduction commencing in the next fiscal year following the year in which the expenditure was made.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 21, 1957.

CHAPTER 36

An Act to Authorize in Certain Instances the Boards of County Commissioners to Levy an Additional Tax

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of Not to Exceed Four (4) Mills for the County Poor Funds; Providing for an Effective Date and a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

County commissioners authorized, under certain conditions, to levy additional tax.

Section 1. Whenever the boards of county commissioners of counties coming within the provisions of this Act find that the total amount that may be derived from all other sources will be inadequate to provide the revenue necessary to meet the apropriations for expenditures to be set forth in the poor fund section of the county budget, such county commissioners shall have the power and the authority to levy not to exceed four (4) mills, or so much thereof as may be necessary to meet such expenditures, as an additional levy for the county poor fund after receiving a certificate authorizing them so to do, issued by the state board of equalization as in this act provided.

Maximum levy allowed.

Commissioners to submit certified copy of county poor fund budget to state examiner and dept. of public welfare.

Section 2. On or before the second Monday in July, the boards of county commissioners of counties desiring to avail themselves of the provisions of this act shall submit a certified copy of their county poor fund budget to the state examiner and a like certified copy of such budget to the state department of public welfare. The state examiner shall examine such budget and if it is found by the state examiner that such budget is in compliance with the laws of this state and the rules and regulations of such examiner's office, he shall so certify and transmit such certified copy of the budget, together with his certificate thereon, to the state board of equalization. The state department of public welfare shall examine such budget and if it finds the expenditures and revenues of the previous year are correct and the estimated expenditures and revenues for the current year are approximately correct, then such department shall transmit such copy, together with its certificate, to the state board of equalization.

Certification of examiner to board of equalization.

Certification by dept. of public welfare to board of equalization.

Findings and authorization of board of equalization.

Section 3. The state board of equalization shall, on receipt of the certified copies of such county poor fund budget containing certificates as provided in Section 2 hereof, examine such documents and if such board finds that a levy as authorized in Section 1, or any part thereof, in addition to all other poor fund

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revenues is necessary, the said board shall certify the amount of the levy to be made by the county commissioners of such county and transmit such certificates to such board of county commissioners who shall thereupon be authorized to make such levy as is authorized.

Effective date.

Section 4. This act shall be in full force and effect from the first day of July, 1957, to the thirtieth day of June, 1959, and not thereafter.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 21, 1957.

CHAPTER 37

An Act to Amend Section 11-2022, Revised Codes of Montana, 1947, Relating to Disability and Other Payments From the Volunteer Firemen's Compensation Fund; Providing a Severability Clause; Providing for an Effective Date; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 11-2022, Revised Codes of Montana, 1947, Relating to Disability and Other Payments from the Volunteer Firemen's Compensation Fund, be, and the same is hereby amended to read as follows:

"11-2022. (5158.3) **Disability** *and other* **Benefits Allowed.**

Disability and other benefits allowed.

"*1.* Every member of a fire company organized in an unincorporated *area,* town or village under the laws of this state, shall be entitled to receive compensation for disability incurred while in the performance of his duties as such fireman, when such disability necessitates the services of a physician or surgeon, while confined or nonconfined, in the following amounts:

Hospitalization.

"a. If confined to a hospital, the actual cost of hospitalization, and the reasonable charges of a duly licensed physician or surgeon, not to exceed *two thousand five hundred dollars ($2,500.00).*

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Not hospitalized.

"b. If not confined to a hospital, the actual reasonable charges of a duly licensed physician or surgeon, not to exceed *seven hundred fifty dollars ($750.00).*

Confinement to home.

"c. If confined to his home, and such confinement necessitates the services of a nurse, then the actual charges of such nurse, together with the actual reasonable charges of a *duly licensed* physician or surgeon, not to exceed *one thousand seven hundred fifty dollars ($1,750.00).*

Compensation rates, specified injuries.

"2. Where an injury incurred in line of such duty results in the loss by amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the board shall order then an artificial member or members be furnished to supply the loss thereof. The expense of furnishing such members shall not exceed the following amounts: Hand or arm to elbow, two hundred fifty dollars ($250.00); arm above elbow, three hundred dollars ($300.00); foot or leg, two hundred fifty dollars ($250.00); eye, twenty-five dollars ($25.00); teeth, one hundred seventy-five dollars ($175.00) The replacement of an artificial member so furnished shall be required every five (5) years, if necessary.

Funeral expenses.

"3. To aid in defraying funeral expenses of a fireman covered under this act whose death occurs in line of duty, an amount not to exceed the sum of two hundred fifty dollars ($250.00) shall be allowed.

Aid to encourage and aid maintenance of group insurance.

"4. To encourage and aid volunteer fire departments to maintain group insurance for benefits on account of death or injury incurred by members while in the performance of duties as volunteer firemen, the sum of fifty dollars ($50.00) per year for each mobile unit of fire-fighting equipment, not exceeding two (2) such units in number for any such department, shall be paid to each volunteer fire department maintaining such insurance, or to the organization or agency maintaining such insurance for any such volunteer fire department."

Severability clause.

Section 2. If any provision contained in this act shall for any reason be held invalid, such decision shall not invalidate the remaining portions of this act.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

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Section 4. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved February 21, 1957.

CHAPTER 38

An Act to Amend Section 11-2218 of the Revised Codes of Montana, 1947, as Amended by Chapter 98 of the Laws of the Thirty-fourth Legislative Assembly, 1955, and Section 11-2404 of Said Revised Codes, as Amended by Chapter 145 of the Laws of the Thirty-second Legislative Assembly, 1951; Relating to the Maximum Rates of Interest to be Borne by Municipal Revenue Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-2218 of the Revised Codes of Montana, 1947, as amended by Chapter 98 of the Laws of the thirty-fourth legislative assembly, 1955, be, and the same is hereby amended to read as follows: Amending clause.

"11-2218. **May Issue Bonds — Sinking Fund — Rates for Service, etc.** Any such municipality may issue and sell negotiable revenue bonds for the construction of any such water or sewer system or combined water and sewer system when authorized so to do by a majority vote of the qualified electors voting on the question at an election called by the city council or other governing body of the municipality for that purpose, and noticed and conducted in accordance with the provisions of sections 11-2308 to 11-2310, inclusive; which bonds shall bear interest at a rate or rates and shall be sold at a price resulting in an average net interest cost, computed to the stated bond maturity dates, of not more than *six* per cent *(6%)* per annum and all bonds shall mature within forty (40) years from date of bonds, and may be registered as to ownership of principal only with the treasurer of said municipality, if so directed by the governing body. No bonds shall be sold for less than par, and each of said bonds shall state plainly on its face that it is payable only from a sinking fund, naming said fund and the ordinance and resolution creating it, and that it does not create an indebtedness within the meaning of any charter, statutory or constitutional limitation upon the incurring of indebtedness.

May issue revenue bonds for construction of water and/or sewer system.

Interest rates, terms.

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Prerequisite ordinance.

"Prior to the issuance of said bonds the city council or other governing body of such municipality shall adopt an ordinance or resolution authorizing the issuance and sale of said bonds.

Sinking fund.

"At the time of, or before the issuance and sale of any such bonds, the governing body must create a sinking fund for the payment of the bonds and the interest thereon and charges of the fiscal agency for making payment of the bonds and interest thereon.

"At or before the issuance and sale of any such bonds, the governing body shall, by resolution or ordinance, set aside a sinking fund and pledge to the payment of the bonds and the interest thereon the net income and revenues of the system, including all additions thereto and replacements and improvements thereof subsequently constructed or acquired, up to an amount sufficient to provide for the payment of the principal and the interest on the bonds as such principal and interest shall become due and payable, and to accumulate and maintain reserves securing such payments in such amount as shall be deemed by the governing body to be necessary and expedient.

"Net income and revenues" construed.

"The said net income and revenues above-mentioned shall be construed to mean all the gross income from said system less normal, reasonable and current expenses of operation and maintenance thereof.

Payments are prior lien on system.

"Said payments above-mentioned shall constitute a first and prior charge and lien on the entire net income and revenues derived from the operation of said system, provided that the governing body shall have power from time to time to establish the relative proirity of the liens of successive issues of bonds upon said net income and revenues, subject to any restrictions contained in the ordinances or resolutions authorizing bonds of prior issues.

Relative lien priorities may be established.

Refunding bonds may be issued.

"Any such municipality, by ordinance or resolution adopted by its governing body, and without an election, may issue and sell negotiable revenue bonds to refund bonds previously issued for any of the foregoing purposes, whether issued under authority of this section or any other applicable law.

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"Any municipality having issued bonds payable from net revenues of its water and sewer system or combined water and sewer systems, whether under authority of this section or otherwise, may issue additional bonds after authorization by the qualified electors in the manner hereinabove provided, to finance the reconstruction and improvement of such system and the construction of additions thereto, and may provide that such additional bonds shall be payable from said net revenues on a parity with the outstanding bonds of such previous issues, subject to any restrictions upon such issuance which may be imposed by the resolutions or ordinances authorizing said outstanding bonds; or the governing body may provide for the issuance of refunding bonds, without an election, to retire such outstanding bonds and may, if desired, combine such refunding issue with the issue authorized by the electors for reconstruction, improvements and additions, or may include the amount required for such refunding in the amount of such additional issue when submitted to the electors. Said refunding bonds, or any bonds of any such combined issue, may be exchanged at par and accrued interest for all or part of said outstanding bonds, with the consent of the holders thereof, or may be deposited in escrow for the purpose of such exchange with a suitable bank or trust company within or without the state; or proceeds of the sale of the refunding or combined issue may be similarly deposited in escrow and applied to the redemption of all or part of the outstanding bonds at maturity or when the same are next prepayable according to their terms, and to the payment of accrued interest thereon and of any premium payable for redemption prior to maturity, and to the purchase and retirement of any outstanding bonds which can be so purchased at a price less than par plus interest to accrue to maturity or, if prepayable, at a price less than par plus interest to accrue to their earliest possible redemption date plus any premium payable upon redemption prior to maturity; and any revenue bond proceeds so deposited in escrow may be invested in general obligations of the United States pending the use thereof for the purposes herein authorized, and any such investments shall be deposited with the escrow agent for safekeeping. Nothing herein shall, however, be deemed to authorize the refunding of any matured bonds for the payment of which net revenues on hand are sufficient, or to author-

Municipality may issue additional bonds for reconstruction and improvement.

Terms and restrictions.

May issue refunding bonds.

Proviso— no refund issue where net revenues sufficient.

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ize the refunding of any outstanding bonds at a higher rate of interest unless available net revenues are insufficient to pay principal and interest due thereon, or unless the refunding is authorized simultaneously with the issuance of additional bonds for reconstruction, improvements or additions, which, according to the terms of the outstanding bonds, must be junior and subordinate to the lien of such outstanding bonds upon the net revenues."

Amending clause.

Section 2. That Section 11-2404 of the Revised Codes of Montana, 1947, as amended by Chapter 145 of the laws of the thirty-second legislative assembly, 1951, be, and the same is hereby amended to read as follows:

Authorization of undertaking.

"11-2404. **Authorization of Undertaking — Form and Contents of Bonds.** The acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking may be authorized under this chapter, and bonds may be authorized to be issued under this chapter by resolution or resolutions of the governing body of the municipality, when authorized by a majority of the taxpayers voting upon such question at a special election noticed and conducted as provided in sections 11-2308 to 11-2310, inclusive, and said special election shall be held not later than the next municipal election held after the council or governing body of the municipality has by resolution or resolutions approved the acquisition, purchase, construction, reconstruction, improvement, betterment or extension of any undertaking as in this *chapter* provided and ordered said special election; provided, that the issuance of refunding revenue bonds may be authorized by resolution or resolutions of the governing body of the municipality without an election.

Bonds, issuance of authorized.

Refunding revenue bonds.

Bonds, regulations concerning.

"Said bonds shall bear interest at such rate or rates not exceeding *six per centum (6%)* per annum, payable semiannually, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their respective dates, may be payable in such place or places, may carry such registration privileges, may be subject to such terms of redemption, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form, either coupon or registered, as such resolution or subsequent resolutions may provide. Said

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bonds shall be sold at not less than par. Said bonds may be sold at private sale to the United States of America or any agency, instrumentality or corporation thereof. Unless sold to the United States of America or agency, instrumentality or corporation thereof, said bonds shall be sold at public sale after notice of such sale published once at least five (5) days prior to such sale in a newspaper circulating in the municipality and in a financial newspaper published in the city of New York, New York, or the city of Chicago, Illinois, or the city of San Francisco, California. Pending the preparation of the definitive bonds, interim receipts or certificates in such form and with such provisions as the governing body may determine may be issued to the purchaser or purchasers of bonds sold pursuant to this *chapter*. Said bonds and interim receipts or certificates shall be fully negotiable within the meaning of and for all the purposes of the negotiable instruments law."

Interim receipts.

Approved February 21, 1957.

CHAPTER 39

An Act Authorizing Qualified Surety Companies to Become Surety With Respect to Guaranteed Arrest Bond Certificates of Automobile Clubs and Associations and Insurance Companies Authorized to Write Automobile Liability Insurance Within the State of Montana, and Requiring the Acceptance of Such Certificates in Lieu of Cash or Property Bail in the Event of Certain Violations of Motor Vehicle Laws; Providing That All Acts and Parts of Acts in Conflict Herewith Are Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. (A) Any domestic or foreign surety company which has qualified to transact surety business in this state may, in any year, become surety in an amount not to exceed one hundred dollars ($100.00) with respect to any guaranteed arrest bond certificates issued in such year by an automobile club or association or by an insurance company authorized to write automobile liability insurance within this state, by filing with the commissioner of insurance an undertaking thus to become surety.

Qualified surety companies may become surety on guaranteed arrest bond certificates up to $100.00.

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Form of undertaking and contents.

(B) Such undertaking shall be in form to be prescribed by the commissioner and shall state the following:

(1) The name and address of the automobile club or clubs, automobile association, or insurance company or companies, or associations with respect to the guaranteed arrest bond certificates of which the surety company undertakes to be surety.

(2) The unqualified obligation of the surety company to pay the fine or forfeiture in an amount not to exceed one hundred dollars ($100.00) of any person who, after posting a guaranteed arrest bond certificate with respect to which the surety company has undertaken to be surety, fails to make the appearance to guarantee which the guaranteed arrest bond certificate was posted.

Guaranteed arrest bond certificate defined.

(C) The term, guaranteed arrest bond certificate, means any printed card or other certificate issued by an automobile club, association or insurance company, to any of its members or insureds, which said card or certificate is signed by such member or insured and contains a printed statement that such automobile club, association or insurance company and a surety company, or an insurance company authorized to transact both automobile liability insurance and surety business in the State of Montana, guarantee the appearance of the person whose signature appears on the card or certificate and that they will, in the event of failure of such person to appear in court at the time of trial, pay any fine or forfeiture imposed on such person in an amount not to exceed one hundred dollars ($100.00).

Certificate to be accepted in lieu of cash bail, for violations of motor vehicle laws.

Section 2. Any guaranteed arrest bond certificate with respect to which a surety company has become surety or a guaranteed arrest bond certificate issued by an insurance company authorized to transact both automobile liability insurance and surety business within this state, as provided in Section 1 hereof, shall, when posted by the person whose signature appears thereon, be accepted in lieu of cash bail in an amount not to exceed one hundred dollars ($100.00), as a bail bond to guarantee the appearance of such person, in any court, including municipal courts, in this state, at such time as may be required by the court, when such person is arrested for violation of any motor vehicle law

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of this state or ordinance of any municipality in this state (except for the offense of driving while intoxicated or for any felony) committed prior to the date of expiration shown on such guaranteed arrest bond certificate so posted as a bail bond in any court in this state shall be subject to the forfeiture and enforcement provisions with respect to bail bonds posted in criminal cases as provided by law, and that any such guaranteed arrest bond certificate posted as bail bond in any municipal court in this state shall be subject to the forfeiture and enforcement provisions of the chapter or ordinance of the particular municipality pertaining to bail bonds posted.

Commissioner of insurance to certify such surety companies.

Section 3. The commissioner of insurance shall certify to each justice of the peace, police magistrate and district judge the names of surety companies who have become sureties with respect to guaranteed arrest bond certificates, and shall likewise immediately notify such official upon the withdrawal of such company as surety. No such withdrawal by any company shall be effective for thirty (30) days after the filing thereof with the state insurance commissioner.

Withdrawal by surety—30-day period.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 21, 1957.

CHAPTER 40

An Act to Amend Section 46-1717 of the Revised Codes of Montana, 1947, Relating to Female Breeding Cattle Running at Large Upon the Public Ranges or National Forest Reserves in the State of Montana; Requiring One Purebred Graded Bull Having Registration Certificate, of Specified Age for Every Thirty (30) Head of Female Breeding Cattle; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing for an Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 46-1717, of the Revised Codes of Montana, of 1947, be, and the same is hereby amended to read as follows:

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Purebred graded bull—one required for every 30 head of female breeding cattle pastured on ranges or public national forests.

"46-1717. (3404) **Female Breeding Cattle, Purebred Bull to Accompany.** Any person or persons, firm, company, or corporation allowing or permitting female breeding cattle to run at large upon the public ranges or national forest reserves in the State of Montana must place upon said range or national forest reserve one purebred *graded* bull of a recognized beef type, not less than fifteen (15) months nor more than eight (8) years of age, for every thirty (30) head of female breeding cattle, pastured upon such range or national forest reserve; provided, however, that any two (2) or more such users of the public range or national forest reserve may join together in furnishing such bull when the aggregate number of female breeding cattle turned loose upon the same range or national forest reserve by such two (2) or more users thereof does not exceed thirty (30) head.

Allowing two or more users of range or national forest to join.

Purebred and graded bull defined.

A purebred bull as contemplated by this act must be a bull having a registration certificate from the breeding association of its particular breed. A graded bull as defined in this act, shall be one selected by a committee of permitees."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved February 21, 1957.

CHAPTER 41

An Act to Regulate the Sale and Distribution of Mixed Fertilizers and Fertilizer Materials in the State of Montana; Providing This Act Shall be Known as "The Montana Fertilizer Law of 1957"; Designating the Administrator of the Act to be the Commissioner of Agriculture of Montana; Defining Words and Terms Used in This Act; Requiring Registration of Brands and Grades of Commercial Fertilizers, and Fees Collected Therefore Before Sale of Same; Requiring Labeling of Commercial Fertilizers Before Sale of Same; Providing for Inspection Fees, Inspection, Sampling and Analysis of Commercial Fertilizers; Providing for a Minimum Food Content of Commer-

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cial Fertilizers; Providing for False or Misleading Statements on Containers of Commercial Fertilizers; Providing for Grade Tonnage Reports of Commercial Fertilizers to the Commissioner of Agriculture of Montana; Providing for a Publication of Sale of Commercial Fertilizers by the Commissioner of Agriculture of Montana; Requiring the Commissioner of Agriculture of Montana to Prescribe Rules and Regulations to Carry This Act Into Effect; Providing for Cancellation of Registrations; Providing for "Stop Sale" Orders by Commissioner of Agriculture; Providing for Seizure, Condemnation, and Sale of Commercial Fertilizers Not in Compliance With This Act; Providing for Penalties in Violation of This Act; Providing for Exchanges of Commercial Fertilizers Between Manufacturers; Providing for a Saving Clause; Providing for a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Title.

Section 1. **Title.** This act shall be known as the "Montana Fertilizer Law of 1957."

Enforcement of act by commissioner of agriculture.

Section 2. **Enforcing Official.** This act shall be administered by the Commissioner of Agriculture of the State of Montana, hereinafter referred to as the "Commissioner."

Words and terms defined.

Section 3. **Definitions of Words and Terms.** When used in this act:

(a) The term "fertilizer material" means any substance containing nitrogen, phosphoric acid, potash, or any recognized plant nutrient element or compound which is used primarily for its plant nutrient content or for compounding mixed fertilizers except unmanipulated animal and vegetable manures.

(b) The term "mixed fertilizers" means any physical combination or mixture of fertilizer materials designed for use or claimed to have value in promoting plant growth.

(c) "Commercial fertilizer" includes mixed fertilizer and/or fertilizer materials.

(d) The term "bulk fertilizer" means commercial fertilizer distributed in nonpackaged form.

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Words and terms defined (continued).

(e) "Brand" means a term, design, or trade mark used in connection with one or several grades of commercial fertilizer.

(f) Guaranteed analysis:

(1) The term "guaranteed analysis" shall mean the minimum percentage of plant nutrients claimed in the following order and form:

Total Nitrogen (N) .....per cent
Available Phosphoric Acid (P^2O^5) .....per cent
Soluble Potash (K^2O) .....per cent

(2) The term "guaranteed analysis" in the form specified in subparagraph (1) includes:

(i) For unacidulated mineral phosphatic materials and basic slag, both total and available phosphoric acid and the degree of fineness. For bone, tankage, and other organic phosphatic materials, total phosphoric acid.

(ii) When permitted by the commissioner, additional plant nutrients expressed as the elements.

(iii) Except when prohibited by regulation, potential basicity or acidity expressed in terms of calcium carbonate equivalent in multiples of one hundred pounds per ton may be shown.

(g) The term "grade" means the percentages of total nitrogen, available phosphoric acid, and soluble potash stated in whole numbers in the same terms, order and percentages as in the "guaranteed analysis."

(h) "Official sample" means any sample of commercial fertilizer taken by the chemist of the agricultural experiment station of Montana state college or his deputy.

(i) "Ton" means a net weight of two thousand (2,000) pounds avoirdupois.

(j) "Per cent" or "percentage" means the percentage by weight.

(k) "Person" includes individual, partnership, association, firm, and corporation.

(l) The term "distribute" means to offer for sale, sell, barter, or otherwise supply commercial fertilizers.

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The term "distributor" means any person who distributes.

(m) Words importing the singular number may extend and be applied to several persons or things, and words importing the plural number may include the singular.

(n) The term "registrant" means the person who registers commercial fertilizer under the provisions of this act.

(o) "Manipulated manures" means substances composed primarily of excreta, plant remains, or mixtures of such substances which have been processed in any manner, including the addition of plant nutrients, drying, grinding and other means.

Section 4. **Registration.**

Registration of commercial fertilizer.

(a) Each brand and grade of commercial fertilizer shall be registered before being offered for sale, sold or distributed in this state. The application for registration shall be submitted to the commissioner on a form furnished by the commissioner and shall be accompanied by a fee of thirty-five dollars ($35.00) per brand and ten dollars ($10.00) per grade. Fees so collected shall constitute a fund for payment of the costs of inspection, sampling, and analysis and other expenses necessary for the administration of this act. Upon approval by the commissioner a copy of the registrations shall be furnished to the applicant. All registrations expire on December 31 of each year. The application shall include the following information:

Fee.

Term.

Application, contents.

(1) The brand and grade.

(2) The guaranteed analysis.

(3) The sources from which the nitrogen, phosphoric acid and potash are derived.

(4) The commissioner may require a manufacturer of commercial fertilizer to furnish additional information if the foregoing does not adequately describe the fertility value claimed and/or the composition of the product.

(5) The name and address of the registrant.

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(b) A distributor shall not be required to register any brand or grade of commercial fertilizer which is already registered under this act by another person.

(c) The plant nutrient content of each and every brand and grade of commercial fertilizer must remain uniform for the period of registration.

(d) Custom blended fertilizers individually compounded to a buyer's specifications and manufactured, sold and delivered on the premises where manufactured, direct to the consumer, shall be exempt from the registration requirements set forth in Section 4 (a) of this act. Such fertilizer shall bear a tag or invoice stating the composition of the material by weight or percentage of ingredients used in place of the labeling requirements set forth in Section 5. A custom blended fertilizer can be resold only when registered and labeled as a mixed fertilizer. All ingredients shall be subject to the payment of the inspection fees as set forth in Section 6 (a) except those materials brought to the manufacturer by the customer for custom blending.

Section 5. **Labeling.**

Labeling—bags, barrels, other containers.

(a) Any commercial fertilizer offered for sale or sold or distributed in this state in bags, barrels, or other containers shall have placed on or affixed to the container in written or printed form the net weight and the information required by items 1, 2, and 5 of paragraph (a) Section 4 either (1) on tags affixed to the end of the package between the ears and/or the sewed end or (2) directly on the package in which case, for bags containing fifty (50) pounds or more, the grade shall appear also on the end or the side of the package in type that is plainly legible.

Labeling—in bulk.

(b) If distributed in bulk, a written or printed statement of the weight and the information required by items 1, 2 and 5 of paragraph (a) of Section 4, shall accompany delivery and be supplied to the purchaser.

Inspection fees.

Section 6. **Inspection Fees.**

(a) There shall be paid to the commissioner for all commercial fertilizers offered for sale, sold, or distributed in this state an inspection fee at the rate of fifteen cents (15c) per ton: Provided that sales to manufac-

Manufacturers exempted.

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turers or exchanges between them are hereby exempted. Fees so collected shall constitute a fund for payment of the costs of inspection, sampling, and analysis and other expenses necessary for the administration of this act. On individual packages of commercial fertilizer containing ten (10) pounds or less, there shall be no inspection fee. Where a person sells commercial fertilizer in packages of ten (10) pounds or less and in packages over ten (10) pounds, the inspection fee shall apply only to that portion sold in packages of over ten (10) pounds.

No fee on 10 pounds or less.

(b) Payment of the inspection fee shall be evidenced by a statement made in due form of law, of commercial fertilizer distributed, together with documents showing that fees corresponding to the tonnage were received by the commissioner.

Statement showing payment of fees.

Every registrant who distributes commercial fertilizer in this state shall:

File an affidavit semiannually within thirty (30) days after each January 1 and each July 1 of each year setting forth the number of net tons of commercial fertilizer distributed in this state during the preceding six-months' (6) period; and upon filing such statement shall pay the inspection fee at the rate stated in paragraph (a) of this Section. If the tonnage report is not filed and the payment of the inspection fee is not made within fifteen (15) days after the date due, a collection fee amounting to ten (10) per cent (minimum ten dollars ($10.00)) of this amount due shall be assessed against the registrant, and the amount of fees due shall constitute a debt and become the basis of a judgment against the registrant.

Affidavit required semi-annually.

Collection fee.

Section 7. **Inspection, Sampling, Analysis.**

(a) At the request of the commissioner of agriculture, the chemist of the agricultural experiment station of Montana state college or his deputy shall sample, inspect, make analysis of and test commercial fertilizers distributed within this state at time and place and to such an extent as he may deem necessary to determine whether such commercial fertilizers are in compliance with the provisions of this act. The chemist, individually or through his deputy, is authorized to enter upon any public or private premises during regular business

Inspection, sampling and analysis for compliance.

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hours in order to have access to commercial fertilizers subject to the provisions of this act and the rules and regulations pertaining thereto.

Methods.

(b) The methods of analysis and sampling shall be those adopted by the chemist from sources such as those of the association of official agricultural chemists, and the results of analysis, together with such additional information as the said chemist may deem advisable, shall be transmitted promptly to the commissioner of agriculture, to the manufacturer and to the dealer or person in whose possession the product was sampled.

Commissioner guided by official sample.

(c) The commissioner, in determining for administrative purposes whether any commercial fertilizer is deficient in plant food, shall be guided solely by the official sample as defined in paragraph (h) of Section 3, and obtained and analyzed as provided for in paragraphs (a) and (b) of this section.

Notification of violation.

(d) If on the basis of an inspection and/or the analysis of the official sample a commercial fertilizer is found to be subject to penalty or other legal action, the commissioner shall forward to the registrant notification of the violation at least ten days before the report of the chemist is made public. If during that period no adequate evidence to the contrary is made available to the commissioner the report shall become official. Upon request the chemist of the agricultural experiment station at Montana state college shall furnish to the registrant a portion of any sample found subject to penalty or other legal action.

Minimum plant food content.

Section 8. **Minimum Plant Food Content.** No superphosphate containing less than eighteen per cent (18%) available phosphoric acid nor any mixed fertilizer claimed to contain nitrogen, available phosphoric acid or soluble potash, in which the sum of the guarantees for the nitrogen, available phosphoric acid and soluble potash totals less than twenty per cent (20%) shall be distributed in this state except for complete fertilizers containing twenty-five per cent (25%) or more of their nitrogen in water-insoluble form of plant or animal origin, in which case the total nitrogen available phosphoric acid and soluble potash shall not total less than eighteen per cent (18%).

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False or misleading statements—misbranded fertilizer.

Section 9. **False or Misleading Statements.** A commercial fertilizer is misbranded if it carries any false or misleading statement upon or attached to the container, or if false or misleading statements concerning its agricultural value are made on the container or in any advertising matter accompanying or associated with the commercial fertilizer. It shall be unlawful to distribute a misbranded commercial fertilizer.

Grade tonnage reports, to be furnished.

Section 10. **Grade-Tonnage Reports.** Each person registering commercial fertilizers under this act shall furnish the commissioner with a confidential written statement of the tonnage of each grade of commercial fertilizer sold by him in this state. Said statement shall include all sales for the periods of January 1 to and including June 30 and of July 1 to and including December 31 of each year. The commissioner may, in his discretion, cancel the registration of any person failing to comply with this section if the above statement is not made within thirty (30) days from day of the close of each period. The commissioner, however, in his discretion, may grant a reasonable extension of time. No information furnished under this section shall be disclosed in such a way as to divulge the operation of any person. This report may at the discretion of the registrant be combined with the report required by Section 6 (b) of this act.

Discretion to cancel registration.

Confidential information.

Publications.

Section 11. **Publications.** The commissioner shall publish at least annually, in such forms as he may deem proper, information concerning the sales of commercial fertilizers, together with such data on their production and use as he may consider advisable, and report of the results of the analysis based on official samples of commercial fertilizers sold within the state.

Rules and regulations.

Section 12. **Rules and Regulation.** For the enforcement of this act, the commissioner is authorized to prescribe and, after public hearing following due public notice, to enforce such rules and regulations relating to the distribution of commercial fertilizers as he may find necessary to carry into effect the full intent and meaning of this act.

Cancellation of registration authorized for fraudulent or deceptive practices.

Section 13. **Cancellation of Registration.** The commissioner is authorized and empowered to cancel the registration of any commercial fertilizer or to refuse

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to register any commercial fertilizer as herein provided, upon satisfactory evidence that the registrant has used fraudulent or deceptive practices in the evasions or attempted evasions of the provisions of this act or any rules and regulations promulgated thereunder: Provided, that no registration shall be revoked or refused until the registrant shall have been given the opportunity to appear for a hearing by the commissioner.

Hearing.

"Stop sale" violations of orders for this act.

Section 14. **"Stop Sale" Orders.** The commissioner may issue and enforce a written or printed "stop sale, use, or removal" order to the owner or custodian of any lot of commercial fertilizer and to hold at a designated place when the commissioner finds said commercial fertilizer as being offered or exposed for sale in violation of any of the provisions of this act until the law has been complied with and said commercial fertilizer is released in writing by the commissioner or said violation has been otherwise legally disposed of by written authority. The commissioner shall release the commercial fertilizer so withdrawn when the requirements of the provisions of this act have been complied with and all costs and expenses incurred in connection with the withdrawal have been paid.

Release.

Seizure, condemnation and sale.

Section 15. **Seizure, Condemnation, and Sale.** Any lot of commercial fertilizer not in compliance with the provisions of this act shall be subject to seizure on complaint of the commissioner to a court of competent jurisdiction in the area in which said commercial fertilizer is located. In the event the court finds the said commercial fertilizer to be in violation of this act and orders the condemnation of said commercial fertilizer, it shall be disposed of in any manner consistent with the quality of the commercial fertilizer and the laws of the state: Provided, that in no instance shall the disposition of said commercial fertilizer be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial fertilizer or for permission to process or relabel said commercial fertilizer to bring it into compliance with this act.

Provision for complying.

Violation, notice of.

Section 16. **Violation.**

(a) If it shall appear from the examination of any commercial fertilizer that any of the provisions of this act or the rules and regulations issued thereunder have

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been violated, the commissioner shall cause notice of the violations to be given to the registrant, distributor, or possessor from whom said sample was taken; any person so notified shall be given opportunity to be heard under such rules and regulations as may be prescribed by the commissioner. If it appears after such hearing, either in the presence or absence of the person so notified, that any of the provisions of this act or rules and regulations issued thereunder have been violated, the commissioner may certify the facts to the proper prosecuting attorney.

Hearing.

(b) Any person convicted of violating any provision of this act or the rules and regulations issued thereunder shall be punished in the discretion of the court.

Punishment upon conviction.

(c) Nothing in this act shall be construed as requiring the commissioner or his representative to report for prosecution or for the institution of seizure proceedings minor violations of the act when he believes that the public interests will be best served by a suitable notice of warning in writing.

Minor violations need not be reported if in best interest of the public.

(d) It shall be the duty of each prosecuting attorney to whom any violation is reported to cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.

Prosecuting attorney's duty.

(e) The commissioner is hereby authorized to apply for and the court to grant a temporary or permanent injunction restraining any person from violating or continuing to violate any of the provisions of this act or any rule or regulation promulgated under the act notwithstanding the existence of other remedies at law. Said injunction to be issued without bond.

Temporary or permanent injunction, without bond.

Section 17. **Exchanges Between Manufacturers.** Nothing in this act shall be construed to restrict or avoid sales or exchanges of commercial fertilizers to each other by importers, manufacturers, or manipulators who mix fertilizer materials for sale or as preventing the free and unrestricted shipments of commercial fertilizer to manufacturers, or manipulators who have registered their brands and grades as required by the provisions of this act.

Exchanges between manufacturers registered under this act not restricted.

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Constitutionality and severability.

Section 18. **Constitutionality.** If any clause, sentence, paragraph, or part of this act shall for any reason be judged invalid by any court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Repealing clause.

Section 19. **Repeal.** All laws and parts of laws in conflict with or inconsistent with the provisions of this act are hereby repealed.

Approved February 21, 1957.

CHAPTER 42

An Act Relating to the Insurance Laws of the State of Montana; Providing for the Preparation of a Modern and Adequate Insurance Code; Directing the State Auditor and Ex Officio Commissioner of Insurance to Prepare and submit the Same to the Legislative Assembly; Making a Supplementary Appropriation Therefor and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Preamble.

WHEREAS, the unprecedented development in the economy of this state has been accompanied by a tremendous expansion in the insurance industry both in volume and in kinds and forms of insurance coverage demanded by the insuring public; and

WHEREAS, the statutes of this state relating to the business of insurance and the conduct and supervision thereof, are in many respects outmoded and no longer adequate for the full protection of the public and the efficient and effective regulation of the insurance business and the persons engaged therein; and

WHEREAS, it is manifest, in view of the decision of the Supreme Court of the United States in United States vs. South-Eastern Underwriters Association (322 U. S. 533, 88 L. Ed. 1440, 64 Sup. Ct. 1162), and the provisions of the Act of Congress of March 9, 1945 (59

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Stat. 33, 15 U. S. C. 1011-1015), that the existence of adequate state insurance statutes is indispensable for the preservation of the integrity of state jurisdiction over the regulation and taxation of the business of insurance; and

WHEREAS, it is imperative that the insurance laws of this state be studied, revised, supplemented and recodified into an adequate and consistent whole, NOW, THEREFORE,

Commissioner of Insurance authorized to prepare and submit to legislature, bill for adequate and modern insurance laws.

Section 1. The state auditor and ex officio commissioner of insurance is hereby authorized and directed to prepare and submit to the legislative assembly of the State of Montana on or before the tenth day of its regular session of 1959, a bill providing a modern and adequate code of insurance laws of the State of Montana, regulating insurance companies, the insurance business, and the sale and solicitation of insurance.

Duty to study present insurance laws.

Section 2. It shall be the duty of the commissioner of insurance to make a comprehensive study of the present statutes of this state relating to insurance and to conduct a detailed survey of experience thereunder, with a view to determining the respects in which, and the extent to which, such present statutes are inadequate for the protection of the public and the efficient and effective supervision of the busines of insurance and the persons engaged therein. The commissioner shall have the power to prepare and cause to be distributed among members of the general public and affected segments of the insurance industry, proposed or tentative drafts of said code, and to hold public hearings thereon at such times and places as he may deem expedient and advisable to afford the general public and such affected segments of the insurance industry, an opportunity to present recommendations and generally to be heard. The commissioner is hereby authorized to employ such professional, technical, clerical, stenographic and other services, and to purchase such supplies and materials and to hire such facilities as he may deem necessary or expedient for the accomplishment of the purposes of this act; provided that the aggregate of all expenses incurred for such purposes shall not exceed the amount of the appropriation hereinafter provided.

Power to prepare and distribute drafts of bills,

hold hearings,

employ necessary help and purchase supplies.

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Supplementary appropriation of $25,000.00.

Section 3. There is hereby appropriated out of any moneys in the general fund of the state, not otherwise appropriated, the sum of twenty-five thousand dollars ($25,000.00) for the biennium beginning July 1, 1957, and ending June 30, 1959, to be used exclusively for the purposes of this act. This appropriation shall be deemed a supplementary appropriation within the meaning of the budget act, and shall be valid upon the final passage and approval of this act, any provisions of the budget act or other restrictions to the contrary notwithstanding.

Appropriation effective immediately.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 25, 1957.

CHAPTER 43

An Act to Amend Section 32-1608, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 91, Laws of 1955, Relating to Contracts for Work on State Highways by the State Highway Commission; Authorizing the Montana State Highway Commission to Enter Into Contracts With Any Board of County Commissioners of Any County, to Acquire Rights-of-Way, Survey and Construct Federal Farm to Market, Secondary or Feeder Roads Within Such County by Such Method or Methods as May be Agreed Upon by the State Highway Commission and Such Board of County Commissioners; Requiring, Where Applicable, All Contracts for Work on State Highways When Federal and/or State Funds are Involved to Contain the Prevailing Rates of Wages as Set by Collective Bargaining in Effect in the Areas Covered by Heavy and Highway Labor Agreements; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 32-1608, Revised Codes of Montana, 1947, as amended by Section 1, Chapter 91 of the Laws of 1955, be amended to read as follows, to wit:

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"32-1608. (1790) **Contracts, How Awarded.** All contracts for work on state highways shall be let by the state highway commission, except as hereinafter provided. When the estimated cost of any piece of work shall exceed one thousand dollars ($1,000.00), it shall be the duty of the state highway commission to let such contract by competitive bidding, upon such notice and upon such terms as the commission by its rules and regulations prescribe; provided that if the commission shall find such work may be done and performed by force account or by day's labor in a more efficient manner, it may so conduct the work, and provided further that the commission may use convict labor as, in its judgment, is deemed proper. A contractor upon being awarded a contract for construction, improvement, maintenance or marking upon a state highway, and before entering upon such work shall execute to the State of Montana a bond to be approved by the commission, and to be conditioned for the faithful discharge of its duties under such contract. Provided, however, that on any highway construction work, which is financed in whole or in part by federal funds, and the secretary of commerce of the United States of America shall affirmatively find that under the circumstances relating to a given project some other method than competitive bidding is in the public interest, the state highway commission is authorized and empowered to enter into contracts with any board of county commissioners of any county, whereby such county is authorized to acquire rights of way, survey and construct farm to market, secondary or feeder roads within such county, by force account, unit price or otherwise, as may be agreed upon by said state highway commission and said board of county commissioners."

Highway contracts awarded by state commission.

Over $1,000.00 on bid.

Except, may use force account or day labor.

Bond by contractor.

Proviso— may contract with county boards on certain roads.

All contracts for work on state highways where federal and/or state funds are involved shall, when applicable, contain the prevailing rates of wages as set by collective bargaining in effect in the areas covered by heavy and highway labor agreements.

Contracts to contain prevailing wage rates set by collective bargaining.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 25, 1957.

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CHAPTER 44

An Act to Amend Initiative Measure No. 54, Adopted by the Vote of the Legal Electors of the State of Montana at the Regular General Election Held In the State of Montana on November 7, 1950, by Amending Section 1 Thereof, Defining Terms; by Amending Section 2 Thereof so as to Provide for the Payment of an Honorarium to Persons Serving on Active Duty During the Korean War; Authorizing Issuance of Six Million Dollars ($6,000,000.00) of Limited Obligation Bonds or So Much Thereof As May Be Necessary to Supplement the Moneys Now in the "War Veterans' Compensation Fund" Sufficiently to Make the Payments Provided For in Said Initiative No. 54 As Hereby Amended; By Adding Thereto a New Section To Be Numbered 14-A, Providing for the Deposit of Moneys from the Sale of Such Additional Bonds in Said "War Veterans' Compensation Fund"; Amending Section 16 of Said Initiative No. 54, and Amending Sections 84-5606 and 84-5621, Revised Codes of Montana, 1947, as Amended, By Providing an Additional Excise Tax Upon the Sale of Cigarettes in the State of Montana; Said Moneys to be Deposited in the "War Veterans' Compensation Bond Retirement Fund No. 2" for the Payment of Such Additional Bonds and Interest Thereon and Creating Such Fund Making an Appropriation of the Moneys Now Remaining in the "War Veterans' Compensation Fund" Not Needed for the Payment of the Honorarium to Persons Who Served in World War II and of the Funds Derived from the Sale of Said Bonds; By Adding a Section to Be Numbered 17-A, Providing That Nothing in This Amendatory Act Shall Be Construed as Impairing the Security of the Twenty-two Million Dollars ($22,000,000.00) of Bonds Heretofore Sold Under the Authority of Said Initiative No. 54; Providing That Said Initiative No. 54 as By This Act Amended Shall Be Construed as Though It Had Been Originally Passed With the Amendments Made by This Amendatory Act, if Such Construction Does Not Conflict With Express Provisions of This Amendatory Act; Providing Limits of Time Within Which Claims Under Subdivisions (b), (c), and (d) of Section 2 of Said Initiative No. 54, as Said Section Is by This Amendatory Act Amended, Under Section 3 of Said Initiative No. 54

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as by This Amendatory Act Amended, or Under Section 5 of Said Initiative No. 54 as by this Amendatory Act Amended, May be Filed; Making Incidental Amendments of the Sections of Said Initiative No. 54 in This Amendatory Act Specifically Referred to, Germane to the General Purpose of This Amendatory Act and Designed to Facilitate the Administration Thereof; Providing That if any Part of This Amendatory Act Shall Be Held Invalid, Such Invalidity Shall Not Affect the Other Provisions of This Act; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing for an Effective Date.

Preamble.

WHEREAS, the Korean war began before the submission of Initiative No. 54, ADOPTED by the vote of the people of Montana at the regular general election of November 7, 1950, but too late to permit the inclusion in the provisions of said act of persons in the military service during said Korean war; and

WHEREAS, it was the intent of the people of Montana to recognize by the honorarium provided in said Initiative No. 54 all residents of Montana rendering military service on behalf of said state in the then emergency; and

WHEREAS, said Korean war was a recrudescence of said world war II and properly includable within the provisions of said Initiative No. 54, Now Therefore,

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1, amending clause.

Section 1. That Section 1 of said Initiative No. 54 be, and the same is hereby amended so as to read as follows:

"Section 1. As used in this law.

Definition of terms.

"(a) The *term* 'world war II' means the period between December 7, 1941, and September 2, 1945, both dates inclusive."

Korean war.

(b) The term "Korean war" means the period between June 25, 1950, and October 16, 1953, both dates inclusive.

Korean theatre.

(c) The term "Korean theatre" means the Korean Peninsula and the waters surrounding said peninsula, the islands of Japan and other territory upon which personnel of the United Nations were based during said Korean war or operating in the presence of the Korean conflict.

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Military forces— World War II.

"(d) The term 'military forces' *as applied to world war II* means the army, the navy, the marine corps, the coast guard, the construction battalions, the WAC, the WAVES, the SPARS, the WMR, the nursing services, all air forces, and all other groups and services in and forming a part of the armed services under control and subject to the discipline of the war department *or the navy department* of the United States, and engaged in the prosecution of world war II."

Military forces— Korean war.

(e) The term "military forces" as applied to the Korean war means the army, the navy, the marine corps, the air force, the coast guard, the construction battalions, the WAC, the WAVES, the SPARS, the WMR, the nursing services, and all other groups and services forming a part of the armed services under the control and subject to the discipline of the department of defense of the United States and on active duty during the period of said Korean war. The term "Department of Defense" as herein used means all of the branches of the armed services of the United States acting under the unified control of the department of defense.

Military service.

(f) The *term* 'military service' means service on active duty by any person in any of the military forces at *any* time during world war II *or during said Korean war.*

Person.

"(g) The *term* 'person' includes female as well as male.

Serviceman.

"(h) The term 'serviceman' means a person who is entitled to receive payments under Section 2 of this law.

Resident of Montana.

"(i) The term 'resident of Montana' means a person who was in military service and who at the time of his or her entry into such military service had his or her home in Montana. A person who, on December 7, 1941, *or in the case of the Korean war, on June 25, 1950,* was serving on active duty in any of the armed services of the United States and who at the time of his or her *then* last entry into such service *made his or her home in Montana* and who was in the military service at some time in world war II, *or during the Korean war,* shall be deemed a resident of Montana, *unless he or she, after such last entry, and before entry into military service in either such war, had established and was then maintaining a home in some other state; and any such serviceman whose parents or surviving parent then resided in Montana, shall be deemed a resident of Montana.*

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"(j) The term 'Continental Limits of the United States' means the area of the 48 states and the District of Columbia, to high water mark on its water boundaries."

Continental limits of U. S.

Section 2. That Section 2 of said Initiative No. 54 be, and the same is hereby amended so as to read as follows:

Section 2, amending clause.

"Section 2. In recognition and appreciation of the valor and devotion of the men and women who, by their military service, carried out and discharged the obligation of the State of Montana to contribute of its man power to the defense of this republic in World War II, *and in the prosecution of said Korean War,* and in partial adjustment for the economic detriment suffered by them by reason of their service, the State of Montana hereby grants, and there shall be paid to,

Grant of adjusted compensation to world war II and Korean war veterans.

"*(a)* Each resident of Montana who was in military service as a member of any branch of the military forces of the United States at some time during World War II an honorarium, or adjusted compensation, *in* the sum of ten dollars ($10.00) for each month and major fraction of a month of such service within the continental limits of the United States, and the sum of fifteen dollars ($15.00) for each month and major fraction of a month *for* such service outside the continental limits of the United States;"

Adjusted compensation for world war II veterans.

(b) Each resident of Montana who was in military service at some time during the Korean War, and during part or all of the period of such service was in said Korean Theatre, an honorarium, or adjusted compensation, in the sum of fifteen dollars ($15.00) for each month and major fraction of a month of such service in said Korean Theatre, and ten dollars ($10.00) for each month and major fraction of a month of such service outside said Korean Theatre, provided further that any serviceman who, while on active duty in said Korean Theatre during said Korean War, shall have suffered disease or injury from any cause whatsoever, including injury from exposure to weather and/or weather conditions, and in line of duty, and is hospitalized therefor by any of the armed services of the United States he or she shall be deemed, for the purpose of this amendatory act, to have been in military service in said Korean Theatre as long as he or she shall be or have been continuously hospitalized

Adjusted compensation for Korean war veterans, Korean theatre.

Outside of Korean theatre.

Disease or injury suffered in Korean theatre.

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in any hospital or similar institution under the control of or employed by the United States, and wherever situated, subject to the limitation in this subdivision hereinafter specified; provided further that any serviceman who shall have been taken prisoner by the enemy in said Korean Theatre, and who shall have been classified by any of said armed services under the Department of Defense as a prisoner of war, shall receive the sum of fifteen dollars ($15.00) for each month and major fraction of a month during which he or she was so held by the enemy as such prisoner; but any such prisoner of war shall be paid not less than three hundred dollars ($300.00); and provided, finally, that no serviceman shall be paid, under any of the provisions of this subdivision, more than six hundred dollars ($600.00);

Prisoner of war.

Maximum compensation.

In military service outside of Korean theatre.

(c) Each resident of Montana who was in military service during said Korean War, but whose military service was wholly outside said Korean Theatre, an honorarium, or adjusted compensation of ten dollars ($10.00) for each month and major fraction of a month of such service;

Payment to surviving spouse, children or parents.

(d) The surviving spouse, children, or parents, as the case may be, and as in this amendatory act hereinafter provided, of any Korean serviceman who died in line of duty while in such military service during either World War II or said Korean War, or who shall have died prior to payment under this section from any cause attributable to his military service, in line of duty, as shown by the records of the United States Veterans' Administration, shall be paid the amount to which such deceased serviceman would have been entitled had he received payment of said honorarium, or if such amount is less than five hundred dollars ($500.00), then such surviving spouse, children or parents, as the case may be, shall be paid the sum of five hundred dollars ($500.00), and no more;

Compensation from other states— excess allowed.

"*(e)* Provided that there shall be paid to any resident of Montana who has received or is entitled to receive from any other state or territory of the United States a gratuity, bonus, honorarium, adjusted compensation, or similar payment for military service in the military forces *in either of said Wars,* no more than the excess, if any, of the aggregate amount to which such resident would be entitled hereunder, over and above the amount so received or to which he or she may be entitled from another such state

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or territory; and provided further that no payment shall be made under this law to any person who was dishonorably discharged from such service and has not been by proper authority restored to an honorable status, nor to any person still in service who is in a dishonorable status."

Dishonorable discharge—not included.

Section 3. That Section 3 of said Initiative No. 54 be, and the same is hereby amended so as to read as follows:

Section 3—amending clause.

"Section 3. In *the* case of the death *of any such serviceman prior to payment under this law, the amount specified in subsection (d) of Section 2 of this amendatory act,* shall be paid *as follows*:

Payment to survivors of veteran—priority.

"(1) To his or her surviving spouse, *provided* such spouse, if a widow, has not remarried prior to making application for such payment, or

"(2) If there is no surviving spouse, or if a widow *and* she is deceased or has remarried prior to making such application, then to the *child or* children *who shall be living when such payment is made, in equal shares if more than one, and all thereof if only one; or*

"(3) If there is no surviving spouse, or if there was a widow and she has remarried or is deceased, and if there are no surviving children, then such payment shall be made to the parents of the deceased, *or if one of them shall be deceased, then the whole thereof to the parent who survives; or if both parents be deceased, then no payment shall be made."*

"(4) The payments in this paragraph provided for shall be made only to the persons herein designated who shall be living at the time of payment, and no payment shall be made to the estate of any such person.

Section 4. That Section 5 of said Initiative No. 54 be, and the same is hereby amended so as to read as follows:

Section 4—amending clause.

"Section 5. In the case of minors or incompetent persons, claims shall be filed by and payments made to his or her guardian, *his or her custodian duly appointed by the Veterans' Administration, or his or her legal fiduciary."*

Guardian, custodian or legal fiduciary may claim for minors or incompetents.

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Section 5—amending clause.

Section 5. That Section 12 of said Initiative No. 54 be, and the same is hereby amended so as to read as follows:

Bonds may be issued limitations, interest, terms.

"Section 12. For the purpose of providing for the payment of the honorarium, or adjusted compensation, herein provided for and for paying the expenses of administration of this law, there shall be issued and sold under the direction and supervision of the board of examiners, limited obligations bonds of the State of Montana in the sum of twenty-two million dollars ($22,000,000.00) or in such sum within that amount as may be necessary for such purposes. Such bonds shall distinctly state that they are not and shall never be or become a general obligation of the State of Montana, but shall be payable only from the proceeds of a cigarette tax in the manner in this law provided; shall contain the pledge of the State of Montana to continue to levy and collect the cigarette tax in this law provided for and place the proceeds thereof in the War Veterans' Compensation Bond Retirement Fund, until all bonds issued hereunder, and the interest accruing thereon, shall have been paid; shall draw interest at the rate of not more than four *and one-half* percent (4 *1/2%*) per annum, payable semiannually; but in all other respects the board of examiners is hereby empowered and directed to fix the terms thereof, as to dates of maturity, the time after which and the terms and conditions upon which they may be called for payment prior to maturity; whether payable to bearer or registered, whether serial bonds or otherwise, and to prescribe the general form of such bonds; and said board of examiners is hereby empowered to do whatever is lawful and necessary in the issuance and payment of such bonds and the interest thereon and the administration of this law. The attorney general shall assist the board in the preparation of the form of such bonds. Such bonds shall be signed by the members of the board of examiners and be issued under the great seal of the State of Montana, and a record of all such bonds issued and sold shall be made in the office of the state treasurer. Said bonds shall have interest coupons attached thereto, covering the interest due semi-annually, which coupons shall be executed with facsimile signatures of all the members of said board of examiners, and the signing of such coupons with such facsimile signatures shall be recognized as sufficient execution of such coupons on behalf of the State

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of Montana. *Provided, however, that if the moneys derived from said first issue of twenty-two million dollars ($22,000,000.00) of bonds as in this Section above provided shall be insufficient to pay all claims heretofore filed with and heretofore or hereafter allowed by said board of examiners under the original provisions of said Initiative No. 54 as heretofore amended, and to pay all claims filed and allowed under this amendatory act, together with the expenses of administration of this amendatory act, there shall be issued and sold under the direction and supervision of the board of examiners of the State of Montana limited obligation bonds of the State of Montana in the further sum of six million dollars ($6,000,000.00) or in such sum within that amount as may be necessary for such purposes. The issuance of such bonds shall be made in the same manner and such bonds shall be subject to the same limitations, restrictions, and provisions as apply to said original issue of twenty-two million dollars ($22,000,000.00), except that such bonds shall draw not more than four and one-half per cent (4 1/2%) interest and shall be payable only out of a cigarette tax as hereinafter provided in this amendatory act.''*

Additional limited obligation bonds may be issued and sold for deficiency.

Section 6. That there is hereby added to said Initiative No. 54 a new section to be numbered Section 14-A, to read as follows:

Section 6, amending clause— Section 14-A.

Section 14-A. The money arising from the sale of such said additional bonds in the amount of six million dollars ($6,000,000.00) in this amendatory act above-provided for as may be sold as herein provided shall be deposited in the state treasury to the credit of the special fund created by said Initiative No. 54 and known as the ''War Veterans' Compensation Fund,'' and the moneys now in said fund, after payment of all claims heretofore filed with and heretofore or hereafter allowed by the board of examiners under the original provisions of said Initiative No. 54, shall, together with such additional funds as may be derived from the sale of bonds under the said issue of six million ($6,000,000.00) authorized by this amendatory act, be used to pay said honorarium granted by subdivisions (b), (c), and (d) of Section 2 hereof, and by Section 3 of said Initiative No. 54 as hereby amended, and the expense of administration of this amendatory act. For the purpose of carrying out the provisions of this amendatory act there is hereby appropriated from the

War veterans' compensation fund.

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Appropriation.

War Veterans' Compensation Fund, in addition to the appropriation made by Section 14 of said Initiative No. 54 as originally enacted, the moneys now remaining in said fund and not needed for the payment of the honorarium to persons who served in World War II, and the sum of six million dollars ($6,000,000.00), or so much thereof as may be necessary to pay said honorarium to the persons who served in the military forces in said Korean War.

Section 7, amending clause.

Section 7. That Section 16 of said Initiative No. 54 be, and the same is hereby amended to read as follows:

One cent tax imposed on each package of cigarettes, in addition present excise tax.

"Section 16. *That in addition to the aggregate excise tax upon cigarettes now provided for by Section 16 of said Initiative Measure No. 54, there is hereby imposed a tax of one cent (1¢) on each package of cigarettes containing not more than twenty (20) cigarettes, and when a package shall contain more than twenty (20) cigarettes, then one cent (1¢) for each (20) or fraction of twenty (20) cigarettes in such package. Such additional tax shall be collected at the same time and in the same manner as the tax levied and imposed by subdivision (2) of said Section 16 of said Initiative Measure No. 54. For the purpose of giving full legal effect to said increase of said excise tax, Section 84-5606 of said Title 84 and Section 84-5621 of said Title 84 are hereby amended so as to read as follows:*

Sections 84-5606 and 84-5621 amended.

The tax, two cents, excise tax.

"Section 84-5606. **The Tax.** Subdivision — (1) From and after the effective date of this amendatory law, there is hereby levied, imposed and assessed, and there shall be collected and paid to the State of Montana, upon cigarettes sold or possessed in this state, the following excise tax which shall be paid prior to the time of sale and delivery thereof, to wit: Two cents (2¢) on each package containing not more than twenty (20) cigarettes, and when packages shall contain more than twenty (20) cigarettes, then two cents (2¢) on each twenty (20) or fraction of twenty (20) cigarettes contained in such package.

"Subdivision—(2) From and after the effective date of this amendatory law there is hereby levied, imposed and assessed, and there shall be collected and paid to the State of Montana, upon cigarettes sold or possessed in this state, the following excise tax, in addition to the

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excise tax on cigarettes, levied, imposed and assessed by subdivision (1) of this Section 84-5606, an additional tax which shall be paid prior to the time of sale and delivery of such cigarettes, to wit:

Additional tax levied.

"Two cents (2¢) on each package containing not more than twenty (20) cigarettes, and when packages shall contain more than twenty (20) cigarettes, then two cents (2¢) on each twenty (20) or fraction of twenty (20) cigarettes contained in such package; which additional tax shall continue in force until the payment and retirement of all bonds of the State of Montana, and the payment of interest thereon, issued *under the authority of said Initiative No. 54 as hereby amended,* for the purpose of paying an honorarium to the residents of *Montana* who were in military service in the military forces of the United States in World War II, *or in said Korean War.*"

Two cents.

Subdivision (3) From and after the effective date of this amendatory act of the Thirty-fifth Legislative Assembly of the State of Montana, there is hereby levied, imposed and assessed, and there shall be collected and paid to the State of Montana, upon cigarettes sold or possessed in this state, the following excise tax, in addition to the excise tax on cigarettes, levied, imposed and assessed by subdivisions (1) and (2) of this Section 84-5606, as amended by said Section 16 of said Initiative Measure No. 54, an additional tax which shall be paid prior to the time of sale and delivery of such cigarettes, to wit:

Aditional tax levied.

One (1) cent on each package containing not more than twenty (20) cigarettes, and when packages shall contain more than twenty (20) cigarettes, then one cent (1¢) on each twenty (20) or fraction of twenty (20) cigarettes contained in such package; which additional tax shall continue in force until the payment and retirement of the additional bonds of the State of Montana authorized by this amendatory act of said Thirty-fifth Legislative Assembly, and the payment of the interest thereon, and the payment of the expenses of administration of this amendatory act.

One cent.

"Within seventy-two (72) hours after receipt by the distributor or retailer of any such cigarettes, except as hereinafter provided, he shall cause to be securely affixed thereto, the required stamps denoting the tax thereon.

Stamps procedure.

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Said stamps shall be properly cancelled prior to sale or removal for consumption under such regulations as the board may prescribe. Each package shall have the required stamp to affix thereto in such a manner that the stamp will be destroyed when the package is opened. Every person who shall make, alter, forge or counterfeit any license stamp or insignia provided for in this law, or who shall assist or be concerned therein, or who shall have in his possession any altered, forged, counterfeit or spurious stamp, license or insignia, with intent to defraud the state, is guilty of forgery, and shall be punished by imprisonment in the state prison for not less than one (1) year or more than fourteen (14) years.

Clerical and field assistance.

"Section 84-5621. **Clerical and Field Assistants.** The board is hereby authorized to employ such clerical and field assistants as may be necessary to properly administer the provisions of this law. All moneys collected under the provisions of subdivision (1) of section 84-5606 *of the Montana Revised Codes of 1947,* less the expense of collecting all the taxes levied, imposed and assessed by said section 84-5606, shall be paid to the state treasurer and deposited in the general fund of the state. All taxes levied, imposed and assessed under the provisions of subdivision (2) of said section 84-5606 shall, when collected, be paid to the state treasurer and credited to a special fund known as the War Veterans' Compensation Bond Retirement Fund, which fund shall be kept segregated from all money in the state treasury and shall, while any of the bonds hereafter issued and sold for the purpose of paying an honorarium, or adjusted compensation, to the residents of Montana who were in military service in the military forces of the United States in World War II, or any of the interest thereon, remain unpaid, be available for the payment thereof.

Disposition of tax moneys.

"All moneys derived from such additional tax shall be paid to the state treasurer and credited to a special trust fund to be known as the War Veterans' Compensation Bond Retirement Fund, which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof."

All taxes levied, imposed and assessed under the provisions of Subdivision (3) of said Section 84-5606 shall,

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when collected, be paid to the state treasurer and credited to a special fund to be known as the War Veterans' Compensation Bond Retirement Fund No. 2, which fund shall be kept segregated from all other money in the state treasury and shall, while any of the bonds hereafter issued and sold, in addition to the twenty-two million dollars ($22,000,000.00) authorized by said Initiative Measure No. 54, as originally enacted, or any of the interest upon such additional bonds, remain unpaid, be used only for the payment thereof, and of the expenses of administration of this act.

War veterans' compensation bond retirement fund No. 2.

Section 8. There is hereby added to said Initiative No. 54 a new section to be numbered Section 17-A to read as follows:

Section 8, amending clause— Section 17-A.

Section 17-A. Nothing in this amendatory act shall be construed as impairing the security of the twenty-two million dollars ($22,000,000.00) of bonds heretofore sold under the authority of said Initiative Measure No. 54, or of the interest thereon, but the provision made by said Initiative for the payment of said bonds and the interest thereon shall remain inviolate.

Provision for payment of bonds and interest under Initiative Measure No. 54, remain inviolate.

Section 9. Except where such construction would conflict with express provisions of this amendatory act, said Initiative No. 54 shall be construed as though the amendments made hereby had formed a part of said Initiative at the time of its adoption on November 7, 1950. Nothing herein contained is to be construed as extending the time of filing claims under said Initiative No. 54 as originally adopted nor as amended by Chapter 123 of the Laws of the Thirty-third Session of the Montana Legislative Assembly, nor as authorizing any payments from said War Veterans' Compensation Fund except expenses of administration of said Initiative as hereby amended, of claims for the honorarium filed on or prior to January 1, 1954, and the expenses of administration in connection therewith, and of the payments provided for in subdivisions (b), (c) and (d), of Section 2, and in Sections 3 and 5, of said Initiative No. 54 as amended.

Section 9— Initiative Measure No. 54 construed.

Section 10. Claims for benefits under the provisions of subdivisions (b), (c) and (d) of Section 2 and/or under Sections 3 and 5 of said Initiative No. 54, as by this amendatory act amended, may be filed at any time before the expiration of three (3) years from and after

Claims to be filed— time limit.

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Extension of time for litigation.

the January first next following the date of the passage and approval of this act, provided, however, that said period of three (3) years shall be extended for a period equal to the period, or the aggregate of the periods, of the time during which the administration of this act shall be suspended, by reason of litigation or from any other cause.

Severability.

Section 11. If any provision contained in this amendatory act shall for any reason be held invalid, such decision shall not invalidate the remaining provisions of this act.

Repealing clause.

Section 12. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 13. This act will take effect and be in full force and effect from and after its passage and approval.

Approved February 26, 1957.

CHAPTER 45

An Act to Amend Initiative Measure No. 54 Adopted by the Vote of the Legal Electors of the State of Montana at the Regular General Election Held in the State of Montana on November 7, 1950, as Amended by Chapter 123, Session Laws of 1953, Relating to Section 6 Thereof, by Providing a New Date for Applications for Payment of the Honorarium to be December 31, 1957, Repealing All Acts and Parts of Acts in Conflict Herewith, and Containing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 6 of said Initiative No. 54 be, and the same is hereby amended so as to read as follows:

Time limit for filing applications, Dec. 31, 1957.

"Section 6. All applications for the payment of the honorarium or adjusted compensation herein provided for shall be filed with the board of examiners before the *thirty-first* day of *December, 1957*: and the filing of an application with a county clerk and recorder of any county of this state shall be deemed, for the purpose of this section, to have been filed with said board as of the date of filing with such clerk and recorder. Upon receiving any such application such clerk and recorder

Procedure.

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shall give the applicant a receipt therefor, stating therein the exact time of such filing, and shall immediately endorse the fact and time of filing upon such application, over his signature and seal, and immediately transmit such application to the said board of examiners. Any filing with such board or with any such clerk and recorder within the time limited by this section shall be effective to preserve the rights of the applicant though such application as so filed shall be defective, provided defects therein are later corrected under reasonable rules to be adopted by said board."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect upon its passage and approval.

Approved February 26, 1957.

CHAPTER 46

An Act to Amend Sections 3-2201, 3-2204, 3-2205, 3-2209 and 2-2213 of the Revised Codes of Montana, 1947, Relating to the Creation of the Montana Poultry Improvement Board by Setting Forth the Purposes for Which Said Board is Created; by Defining the Board's Powers and Duties; by Providing for Hearings Before Cancellation of, or Refusal to Issue Licenses; by Providing for Adoption of Reasonable Rules and Regulations by Said Board to Govern Conduct of Hearings; by Providing That Persons Hereinafter Engaging in the Business of a Hatchery, Baby Chick and/or Poultry Dealer, Salesman, or Hatching-Egg Producers in Montana Must be Properly Licensed by Said Board and Pay Prescribed License Fees; by Providing for Cancellation of License for Violation of This Act; by Repealing Sections 3-2206 and 3-2208 of the Revised Codes of Montana, 1947; and by Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 3-2201, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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Creation of Montana Poultry Improvement Board.

"3-2201. **The Montana Poultry Improvement Board Created,** *Purposes, Membership. There is hereby created a board to be known as the 'Montana Poultry Improvement Board.' This board is created for the following purposes*:

Purposes.

(1) To promote the welfare of the poultry industry in Montana by: (a) determining dependable sources from which poultry may be purchased; (b) cooperating with other state and federal agencies in programs which will advance, promote, and improve the poultry industry in Montana; (c) improving poultry breeding in Montana by certification of the systematic breeding programs of the various hatcheries within the state; (d) cooperating with the Montana Livestock Sanitary Board in controlling and eradicating communicable and infectious diseases of poultry; (e) by systematic inspection of chick dealers, hatcheries and hatching-egg producers, engaged in marketing poultry and poultry products.

(2) To act as the official state agency for Montana in cooperation with the Animal and Poultry Research Branch, U. S. Department of Agriculture, for the purpose of furthering the objectives and supervising the state's participation in the National Poultry Improvement Plan. These purposes are to be liberally construed in order that this board may effectuate programs which will be beneficial to the poultry industry in Montana.

Membership, appointment by governor and term.

The membership of the board shall be constituted as follows: The Montana livestock sanitary board executive officer; *the head of the* dairy division, state department of agriculture; *the* extension specialist in poultry, Montana state college, and two other members who shall be competent and experienced poultrymen who shall be *the* owners or operators of commercial poultry hatcheries; *the appointive members* to be appointed by the governor of the State of Montana, one *such appointive* member to hold office for a term of two years and *the other appointive* member to hold office for a term of four years from and after the first day of July, 1945, respectively, and thereafter the members of said Montana poultry improvement board who are competent and experienced poultrymen so appointed by the governor, shall hold office for a term of four years from and after their appointment and until their successors are appointed and qualify."

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Amending clause.

Section 2. That Section 3-2204, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Powers and duties.

"3-2204. **Powers and Duties.** The Montana poultry improvement board shall have power to employ a secretary and executive officer who need not be a member of the board. The said secretary and executive officer shall be a competent poultryman. The board may also employ and dismiss at will such other persons including legal assistance, as may be necessary to carry out the provisions of this act and to fix all fees and salaries to provide for expenses generally not inconsistent with law. The board is further authorized and directed to formulate and adopt a plan or plans whereby *hatchery, baby chick and/or poult dealers and hatching-egg producers shall be inspected by employees of the board or such other persons as may be designated by the board.*

Hearing granted, how.

No one shall be refused a license or have his license cancelled under this act unless and until he has been given an opportunity to have a hearing on the matter before the board. The person concerned may obtain same by submitting a written request to the board for such hearing. The board, in setting the time for hearing, shall give at least twenty (20) days notice of said hearing to such person. The board will adopt reasonable rules and regulations governing the conduct of hearings and shall specifically provide that any person requesting such hearing be permitted to be represented by legal counsel.

"The board may adopt the standard breeding plan of accreditation and certification sponsored by the United States department of agriculture or any other plan sponsored by said department and to cooperate with said department in matters of poultry improvement, sanitary provisions and indemnity in cases of infectious disease. The board is further authorized to prescribe and collect fees for inspection and supervision and to prescribe and furnish labels, bands, and certificates of accreditation and certification and such other supplies as may be necessary; and to prescribe and collect fees for the same. The board is further authorized to do such other things as it may deem needful and expedient to improve poultry breeding, *poultry sanitation,* and practices, and to give effect to this act."

Prescribe and collect fees.

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Amending clause.

Section 3. That Section 3-2205, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

License required, fees.

"3-2205. **License Fees.** *No person shall hereafter engage in the business of a hatchery, baby chick and/or poult dealer, salesman, or hatching-egg producer in Montana, without first securing from the Montana Poultry Improvement Board, a license to engage therein, which license shall expire on the first day of January of each year, except in cases of flock owners, and in those cases the license shall expire twelve (12) months after the last official pullorum test was conducted by the board.*

Licenses will be issued only upon payment to said board of such annual fees as may be fixed by said board for each of the said occupations, not exceeding, however, the amounts herein set forth, to wit: (a) Hatcheries—Under 50,000 capacity — $10.00; (b) Hatcheries — Over 50,000 capacity — $25.00; (c) Baby Chick and/or Poult Dealers and Salesmen — $5.00; (d) Breeders, hatching-egg producers, the sum of $1.00 up to 200 breeder hens; $2.50 up to 400 breeder hens; $5.00 up to 800 breeder hens; $7.50 up to *1,250* breeder hens; $10.00 over *1,250* breeder hens per year.

Amending clause.

Section 4. That Section 3-2209, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Products to be labeled.

"3-2209. **Products To Be Labeled.** All poultry and products sold or shipped under the authority of this act shall be uniformly labeled with designs prescribed and furnished by the Montana Poultry *Improvement Board,* provided that all labeling for testing, approval and accreditation as to disease shall be first approved by the Montana livestock sanitary board."

Amending clause.

Section 5. That Section 3-2212, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Misdemeanor.

Revocation of license.

"3-2212. **Violation a Misdemeanor.** Violation of any of the provisions of this act shall be a misdemeanor*; and as additional or alternative penalties, the board may revoke any license issued, and may by injunction restrain the continuance of any operations covered by this act.*"

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Repealing clause.— Sections 3-2206 and 3-2208, R.C.M., 1947.

Section 6. That Sections 3-2206 and 3-2208 of the Revised Codes of Montana, 1947, be, and the same are hereby repealed.

Repealing clause.

Section 7. That all acts or parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1957.

CHAPTER 47

An Act to Amend Section 25-306 of the Revised Codes of Montana, 1947, as Amended by Chapter 175 of the Session Laws of Montana, 1949, and as Amended by Chapter 51 of the Session Laws of Montana, 1953, Relating to Salaries of Justices of the Peace in Certain Townships and Providing for an Increase in Such Salaries; and Providing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 25-306 of the Revised Codes of Montana, 1947, as amended by Chapter 175 of the Session Laws of 1949, and as amended by Chapter 51 of the Session Laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Salaries, hours and quarters of justices of the peace in certain townships.

"25-306 (4929) **Salaries of Justices of the Peace in Certain Townships — Hours — And Quarters.** Justices of the peace in townships having a population of ten thousand (10,000) people, and not exceeding fifteen thousand (15,000) people, shall each receive a salary of (matter deleted) *two thousand eight hundred dollars ($2,800.00)* per annum, payable monthly from the county treasury; justices of the peace in townships having a population of more than fifteen thousand (15,000) people, and not exceeding eighteen thousand (18,000) people, shall each receive a salary of (matter deleted) *three thousand dollars ($3,000.00) per annum,* payable monthly from the county treasury; justices of the peace in townships having a population of more than eighteen thousand (18,000) people, (matter deleted) shall each receive a salary of *three thousand six hundred dollars ($3,600.00) per annum,* payable monthly from the county treasury; justices of the peace in such townships shall receive no other additional fees or compensation what-

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Fees.

ever, except that they may receive and keep those fees designated as 'miscellaneous fees' by Section 25-304 of this code; justices of the peace in townships having a population of less than ten thousand (10,000) people shall receive the fees and emoluments provided under existing laws; justices of the peace in townships having a population of ten thousand (10,000) people and upwards shall keep their offices open for business from 9 o'clock A. M. to 12 o'clock M., and from 1 o'clock P. M. to 5 o'clock P. M. on all judicial days, and at such other hours on judicial days as they may desire; providing, however, the office may be closed from 1 o'clock P. M. to 5 o'clock P. M. on Saturdays and such justices shall occupy such quarters as may be furnished and selected for them by the board of county commissioners, and said board may, in its discretion, select suitable quarters for such justices and may, in its discretion, pay for same from money in the county treasury."

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1957.

CHAPTER 48

An Act to Amend Section 16-1015, Revised Codes of Montana of 1947, as Amended by Chapter 69 of the Thirty-fourth Legislative Assembly, 1955, Relating to Taxation to Defray Current Expenses Including Salaries Otherwise Unprovided for, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 16-1015, of the Revised Codes of Montana, 1947, as amended by chapter 69 of the laws of the thirty-fourth legislative assembly, 1955, be, and the same is hereby amended to read as follows:

County commissioners empowered to levy taxes for county purposes.

"Section 16-1015 (4465.12) **Taxation.** The board of county commissioners has jurisdiction and power under such limitations and reservations as are prescribed by law: To levy such tax annually on the taxable property of the county, for county purposes as may be necessary to defray the current expenses thereof, including the

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salaries otherwise unprovided for, not exceeding sixteen (16) mills on each dollar of the taxable valuation for any one (1) year and to levy such taxes as are required to be levied by special or local statutes. Provided, however, that on and after July 1, 1957, and extending to June 30th, 1959, the board of county commissioners is authorized in its discretion to levy not to exceed twenty (20) mills on each dollar of the taxable valuation for any one (1) year."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1957.

CHAPTER 49

An Act Authorizing Counties to Establish Minimum Standards for the Installation of Electrical Equipment; Providing for Issuance of Permits for Such Installation; Providing for the Inspection of Same; and Providing for Exclusions Herefrom; and Providing for a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of county commissioners authorized to establish minimum standards for installation of electrical equipment;

Section 1. The board of county commissioners of counties are hereby authorized, in their discretion:

(a) To establish by resolution suitable minimum standards for the installation of all electrical equipment, which standards, so far as practicable, shall conform to the national board of fire underwriters electrical code, or the rural electrical association wiring standards.

to provide for issuance of permits and collect fees therefor.

(b) To provide for the issuance of permits as a prerequisite to the erection, construction, reconstruction, alteration, or enlargement of any new or existing installation and for the inspection of such installation, and to establish and collect reasonable fees therefore, which fees shall be in such amount as to cover the costs of such permit and inspection. The fees so collected are to go to the general fund of the county.

Not applicable where certain supervised inspection.

Section 2. This act shall not apply when there is in effect supervised inspection according to the electrical code of the national board of fire underwriters

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or the Rural Electrical Association wiring standards and there is hereby specifically excluded herefrom, the following installations or use of any electrical equipment:

Exclusions.

(a) Installations or use in mines, mills or smelters, oil refineries, ships and railway cars, or to automotive equipment.

(b) Installations or use by electricity supply companies or communication agencies in the generation, transmission or distribution of electricity or for the operation of signals or the transmission of intelligence, or to television or radio installations; and

(c) Installations or use by a railway utility in the exercise of its functions as a utility.

(d) Any farm or ranch structure or building situated on a tract of land in excess of five (5) acres.

Construed.

This act shall not be construed to prohibit the installation of the electrical equipment by the owner of the property.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1957.

CHAPTER 50

An Act to Amend Section 16-2618, Revised Codes of Montana, 1947, Relating to the Deposit of Public Funds by County, City and Town Treasurers, and Providing That the Board of County Commissioners in the Case of a County, or the Council, in the Case of a City or Town, May Invest Public Moneys Not Necessary for Immediate Use by Such County, City or Town In Direct Obligations of the United States Government, Payable Within Not to Exceed One Hundred Eighty (180) Days From the Time of Such Investment; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 16-2618, Revised Codes of

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Montana, 1947, be, and the same is hereby amended to read as follows:

"16-2618. (4767) **Deposit of Public Funds by County, City and Town Treasurers.**

Deposit of public funds by county, city and town treasurers.

"(1) It shall be the duty of all county, city and town treasurers to deposit all public moneys in their possession and under their control in any solvent bank or banks located in the county, city or town of which such treasurer is an officer, subject to national supervision or state examination as the board of county commissioners in the case of a county, or of the council in the case of a city or town, may designate, and no other. The treasurer shall take from such bank such security as the board of county commissioners, in the case of a county, or the council, in the case of a city or town, may prescribe, approve and deem fully sufficient and necessary to insure the safety and prompt payment of all such deposits, together with the interest *on any time or savings deposits, provided that said board of county commissioners or city or town council is hereby authorized to deposit such public moneys not necessary for immediate use by such county, city or town with any bank authorized herein above in a time deposit as evidenced by certificates of deposit or deposits, which by agreement may not be withdrawn on less than thirty (30) days' notice by the said board of county commissioners, or city or town council; and provided that said board of county commissioners, or city or town council is hereby authorized to invest such public moneys not necessary for immediate use by such county, city or town, in direct obligations of the United States Government, payable within not to exceed one hundred eighty (180) days from the time of such investment.*

Security for prompt payment of deposits and interest.

Time deposits authorized—monies not in immediate need.

Authorization to make specific investments.

"(2) Said board of county commissioners, city or town council may require security for only such portion of deposits as is not guaranteed or insured according to law. Such securities shall consist of bonds of some surety company authorized to do business in the State of Montana, or bonds guaranteed by such companies directly or indirectly, bonds and securities of the United States government and its dependents, bonds and warrants of the State of Montana or of any county, city, town or school district of Montana, Federal Land Bank bonds, bonds of other states and counties of other states, bonds of the

Security required—type.

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Dominion of Canada, and Canadian Provinces, and other Canadian bonds guaranteed by the Canadian government or provinces thereof, personal bonds, as hereinafter provided, when accompanied by a sworn statement of the resources and liabilities of each of the sureties thereon, which shall be attached and made a part of the bond and bonds issued in the United States of America, which are quoted on the New York market, which shall be acceptable at not to exceed ninety per centum (90%) of such market quotation.

Negotiable securities.

"(3) When negotiable securities are furnished, such securities may be placed in trust and the trustee's receipt may be accepted in lieu of the actual securities when such receipt is in favor of the treasurer, his successors and the State of Montana, and the form of receipt and the trustee have been approved by the state examiner. All warrants or other negotiable securities must be properly assigned or endorsed in blank. It shall be the duty of the board of county commissioners in the case of county funds, or the council in the case of funds of a city or town, upon the acceptance and approval of any of the above-mentioned bonds or securities, to make a complete minute entry of such acceptance and approval upon the record of their proceedings, and such bonds and securities shall be reapproved at least quarter annually thereafter.

Distribution of deposits among banks.

"(4) When more than one bank is available in any county, for the deposit of county funds, or in any city or town for the deposit of city or town funds, such deposits shall be distributed ratably among all of such banks qualifying therefor, substantially in proportion to the paid-in capital and surplus of each such bank willing to receive such deposits under the terms of this act, and it shall be the duty of said county, city or town treasurer to prorate all such deposits among all of the banks qualified to receive the same as in this act provided, to the end that an equitable distribution of such deposits shall be maintained.

State examiner may order treasurer to distribute deposits.

"(5) Whenever it shall come to the attention of the state examiner that the funds of any county, city or town are not properly distributed as provided in this act, the state examiner shall order the treasurer of such county, city or town to distribute said funds in accordance herewith, and if such treasurer shall refuse or neg-

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lect to comply with such order, it shall be the duty of the state examiner to institute proceedings against such treasurer at the cost of the county, city or town of which such treasurer is an officer, on the official bond of such treasurer. If no such bank exists in the county, city or town, or if any bank or banks existing therein fails or refuses to qualify under the terms of this act to receive such deposits, then and in such case, or in either of such cases, such moneys as have not been accepted by any bank or banks within said county, city or town, shall be deposited under the terms of this act, in the bank or banks most convenient to such county, city or town, willing to accept such deposits under the terms of this act, and qualified as above provided. Any bank or banks receiving such deposits, shall, through its president and cashier, make a statement quarterannually of account, under oath, showing all such moneys that have been deposited with such bank during the quarter, the amount of daily balance in dollars, and the amount of interest by such bank or banks credited or paid therefor, and showing that neither such bank nor any officer thereof, nor any person for it, has paid or given any consideration or emolument whatsoever to the treasurer or to any other person other than the interest provided for herein, for or on account of the making of such deposits, with any such bank. All such deposits shall be subject to withdrawal by the treasurer in such amounts as may be necessary from time to time, and no deposit of funds shall be made, or permitted to remain in any bank, until the security for such deposits shall have been first approved by the Board of County Commissioners in the case of county funds, or by the council in the case of city or town funds, and delivered to the treasurer.

Proceedings on bond of treasurer for failure to comply.

If no banks in county qualified or willing to accept, may deposit in other counties.

Bank statement required.

Deposits subject to withdrawal by treasurer as required.

"(6) All interest paid and collected on such deposits *or investments* shall be credited to the general fund of the county, city or town to whose credit such funds are deposited. Where moneys shall have been deposited in accordance with the provisions of this act, the treasurer shall not be liable for loss on account of any such deposit that may occur through damage by the elements or for any other cause or reason occasioned through means other than his own neglect, fraud, or dishonorable conduct.

Interest on deposits or investments to be credited to general fund.

Treasuer not liable.

"(7) No personal bond shall be accepted except when such bond is for the purpose of renewing a personal bond

Personal bonds not acceptable security.

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now in effect, and from and after December 31, 1930, personal bonds shall not be considered as acceptable security; provided, further, that from and after the passage of this act, no new or additional deposit accounts shall be opened by any treasurer under any personal bond."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 27, 1957.

CHAPTER 51

An Act to Repeal Section 16-3211, Revised Codes of Montana, 1947, Relating to the County Auditor as County Superintendent of the Poor.

Be it enacted by the Legislative Assembly of the State of Montana:

Repealing Section 16-3211, R. C. M., 1947.

Section 1. That Section 16-3211, Revised Codes of Montana, 1947, be, and the same is hereby repealed.

Approved February 27, 1957.

CHAPTER 52

An Act to Amend Section 26-103, Revised Codes of Montana, 1947, Relating to the Meetings of the Fish and Game Commission, Place of Meetings, and Providing That the Commission May Establish Its Own Offices; And Providing for a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 26-103, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Meetings of fish and game commission.

"26-103. (3652) **Meetings.** The members of the Commission shall within thirty (30) days after their appointment and annually thereafter meet and organize

Chairman.

by electing from its membership a chairman and shall hold quarterly or other meetings for the transaction of business, at such times and places it may deem necessary and proper, said meetings to be called by the chairman, or by a majority of the commission, and to be held

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at the time and place specified in the call for the same. A majority of the members of the commission shall constitute a quorum for the transaction of any business which may come before it. The said commission shall keep a reocrd of all the business transacted by it. The chairman and secretary, hereinafter designated, shall sign all orders, minutes or documents for the commission. The principal offices of the commission shall be located *near* the capitol building in Helena, and suitable and adequate rooms therefor, together with necessary furnishings, janitor services, light, heat and water shall be furnished by the State of Montana without charge to the commission *until such time as the commission shall provide other building or buildings. The commission, upon the approval of the board of examiners, is empowered to construct, acquire, erect, equip, enlarge and improve or purchase buildings suitable for its needs to be located at the seat of the state government.*"

Majority of members as quorum.

Records.

Office and other facilities for same to be furnished by state until provided for by commission.

Commission authorized to construct, acquire, equip, enlarge and improve buildings.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 27, 1957.

CHAPTER 53

An Act to Amend Section 94-35-123 of the Revised Codes of Montana, 1947, Relating to the Sale, Supply, Transportation or Possession of Peyote, or Any Compound Derived in Preparation Thereof; Exempting Bona Fide Religious Organizations Incorporated Under the Laws of the State of Montana From the Provisions Thereof, and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

"Section 1. That Section 94-35-123 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"94-35-123. **Unlawful to Dispense Mescal Button.** That it shall be unlawful for any person, firm, corporation or association to sell, furnish, or give away, or offer to sell, furnish, or give away, or have in his or its possession Peyote (Pellote), botanically known as Lopho-

Unlawful to dispense peyote—mescal button.

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phora Williamsii; or Agava Americana, commonly known as the Mescal Button; or any compound, derivative, or preparation thereon; *provided that the terms of this act shall not apply to transporting, possession or using said Peyote for religious sacramental purposes by any bona fide religious organization incorporated under the laws of the State of Montana.''*

Religious sacramental purposes excepted.

Repealing clause.

Section 2. That all acts or parts of acts in conflict therewith are hereby repealed.

Approved February 27, 1957.

CHAPTER 54

An Act to Repeal Section 26-1103 of the Revised Codes of Montana, 1947, Relating to the Gallatin Preserve; to Repeal Section 26-1104 of the Revised Codes of Montana, 1947, Relating to the Snowy Mountain Game Preserve; to Repeal Section 26-1106 of the Revised Codes of Montana, 1947, as Amended by Chapter 3, Laws of 1949, Relating to the Powder River Game Preserve; to Repeal Section 26-1110 of the Revised Codes of Montana, 1947, Relating to the Twin Buttes Game Preserve; to Repeal Section 26-1112 of the Revised Codes of Montana, 1947, Relating to the South Moccasin Mountain Game Preserve; to Repeal Section 26-1114 of the Revised Codes of Montana, 1947, Relating to the Blackleaf Game and Bird Preserve.

Be it enacted by the Legislative Assembly of the State of Montana:

Sections 26-1103, 26-1104, 26-1106, 26-1110 26-1112 26-1114, R.C.M., repealed.

Section 1. That Section 26-1103 of the Revised Codes of Montana, 1947; Section 26-1104 of the Revised Codes of Montana, 1947; Section 26-1106 of the Revised Codes of Montana, 1947, as amended by Chapter 3, Laws of 1949; Section 26-1110 of the Revised Codes of Montana, 1947; Section 26-1112 of the Revised Codes of Montana, 1947; and Section 26-1114 of the Revised Codes of Montana, 1947, be, and the same are hereby repealed.

Approved February 27, 1957.

CHAPTER 55

An Act to Amend Section 11-1301, Revised Codes of Montana, 1947, Relating to Accounts and Demands Against

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a City or Town; Providing for a Certification That All Claims Are Correct and Just; Providing That an Affidavit to Accompany These Claims is Not Necessary; Providing for Presentment and Time of Payment and Providing That This Act Shall Be in Full Force and Effect After Its Passage and Approval and Further Providing for a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-1301, be, and is hereby amended to read as follows:

"11-1301. (5078) **Presentation of Claims — Limitation of Actions.** All accounts and demands against a city or town must pe presented to the council duly itemized. *All claims against a city or town shall contain the following statement: 'I certify that this claim is correct and just in all respects, and that payment or credit has not been received.' Claims need not be accompained by affidavit by the party or his agent. These claims must be presented with all* necessary and proper vouchers, within one (1) year from the date the same accrued; any claim or demand not so presented within the time aforesaid is forever barred, and the council has no authority to allow any account or demand not so presented, nor must any action be maintained against the city or town for or on account of any demand or claim against the same, until such demand or claim has first been presented to the council for action thereon; Provided, however, that in case the total indebtedness of a city or town has reached three per centum (3%) of the total assessed valuation of the taxable property of such city or town, as ascertained by the last assessment for state and county taxes, it shall be lawful for, and such city or town is hereby authorized and empowered, to conduct its affairs and business on a cash basis as provided and contemplated by the next section of this code."

Claims against cities or towns.

Statement required.

Affidavit not required.

Time required to be presented.

Proviso.

Cash basis authorized.

Section 2. This act shall be in full force and effect after its passage and approval.

Effective immediately.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved February 27, 1957.

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CHAPTER 56

An Act to Amend Section 16-1802, Revised Codes of Montana, 1947, Providing That All Claims Must Be Itemized; Providing for a Certification That All Claims Are Correct and Just; Providing That Claims Need Not Be Verified by Affidavit; Providing that Claims Must Be Presented Within a Year.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 16-1802, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Claims to be itemized.

"16-1802. (4605) **Claims to Be Itemized — Time for Presenting.** No account must be allowed by the board unless the same is made out in separate items, the nature of each item stated; if it is for official services for which no specified fees are fixed by law, the time actually and necessarily devoted to such service must be stated. *Claims against the county shall contain the following statement: 'I certify that this claim is correct and just in all respects, and that payment or credit has not been received.' Claims need not be verified by affidavit.* Every claim against the county must be presented within a year after the last item accrued."

Statement required.

Time—must be presented within one year.

Approved February 27, 1957.

CHAPTER 57

An Act to Amend Section 26-105 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 6 of the Session Laws of the State of Montana, 1951, as Amended by Chapter 127 of the Session Laws of the State of Montana, 1953, Relating to the Compensation of Commissioners to Provide That the Members of the Fish and Game Commission Shall Receive a Per Diem of Fifteen Dollars ($15.00) Per Day While on Official Business and Setting the Annual Limitation of Compensation for Each Commissioner Other Than the Chairman Not to Exceed Eight Hundred Dollars ($800.00), and Not to Exceed One Thousand Dollars ($1,000.00) for the Chairman of the Commission; Providing for a

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Repealing Clause and Further Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 26-105 of the Revised Codes of Montana, 1947, as amended by Section 1 of Chapter 6 of the Session Laws of the State of Montana, 1951, and as amended by Chapter 127 of the Session Laws of the State of Montana, 1953, be, and the same is hereby amended to read as follows:

Compensation for fish and game commissioners, limitations.

"Section 26-105. **Compensation of Commissioners.** The members of the commission shall receive no compensation for their services as members thereof, except a per diem of fifteen dollars ($15.00) for each member for every day in actual attendance at the meetings of said commission, or in the execution of their duties as members of said commission; provided, however, that in no instance shall any member of said commission *other than the chairman* receive as said per diem a sum in excess of *eight hundred dollars ($800.00)* in any one (1) year, *provided that the chairman of the commission shall not receive a sum in excess of one thousand dollars ($1,000.00) in any one year*, and the members of said commission shall be allowed their actual and necessary traveling expenses, while performing their duties as members of said commission which shall be paid from the fish and game fund of the State of Montana upon presentation of proper vouchers therefore."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect upon its passage and approval.

Approved February 27, 1957.

CHAPTER 58

An Act to Require All Persons, Firms, and Corporations Drilling or Digging Water Wells or Causing Water Wells to be Drilled or Dug in the State of Montana to File With the Clerk and Recorder of the County in Which Such Well is Located Information as to Location, Size, Type, Depth, Water Level and Other In-

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formation Concerning Such Well and Requiring That Such Information be Filed With the State Bureau of Mines and Geology and the State Engineer; Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Permanent record to be filed within 60 days after completion of digging or drilling water well.

Section 1. Every person, firm, or corporation who shall drill or dig, or shall cause to be drilled or dug, a water well, of any type whatsoever, within the State of Montana shall, within sixty (60) days after the completion of such well, file as a permanent record in the office of the clerk and recorder of the county wherein the well is located, on a form to be furnished by the state bureau of mines and geology, as hereinafter in this act provided, the following information: (a) the name and address of the owner of the land where the well is located, (b) the date the drilling commenced and the date the well was completed, (c) the name and address of the driller of the well, (d) the approximate location of the well by legal description, (e) the kind and size of the well and other works or excavation in connection therewith, (f) the capacity of the well in gallons per minute or cubic feet per second, by pumping or by natural flow, (g) the proposed use of the water from the well, (h) the approximate surface elevation at the wellhead, (i) the casing record of the well, (j) the drilling log showing the character and thickness of all formations penetrated, (k) the depth to which the well is drilled, and (l) the depth to the water horizon and the height to which water will rise in the well.

Information required.

In addition to other information required by law.

Section 2. The report and information required to be filed by Section 1 of this act shall be in addition to all other reports and information which the drillers of water wells in the State of Montana are required by law to file with agencies of the State of Montana.

Forms.

Section 3. The report and information required to be filed by Section 1 of this act shall be filed on forms prescribed by the state bureau of mines and geology and furnished by the state bureau of mines and geology to the clerk and recorder of the various counties, and such report and information shall be filed in triplicate. The original of such report and information shall

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be kept as a permanent record of the office of the clerk and recorder of the county wherein the well is located. The clerk and recorder of such county shall transmit one copy of such report and information to the state bureau of mines and geology and one copy to the state engineer.

Clerk and recorder to maintain permanent record.

Copies.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 1, 1957.

CHAPTER 59

An Act Authorizing the State Fish and Game Commission to Issue Special Nonresident Antelope and Special Nonresident Deer Licenses, Fixing the Fees, and Powers and Duties Under Such Licenses, Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed; and Providing An Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state fish and game commission may issue special nonresident antelope licenses and special nonresident deer licenses as provided for in subsection 15 of Section 26-104, Revised Codes of Montana, 1947, as amended. Such special licenses will be valid only for the area designated in the license, and shall expire annually on the thirtieth (30th) day of April. In certain areas where ten (10) or more written complaints from persons in the special area involved, relating to the issuance of special nonresident deer and antelope permits have been received by the fish and game department a hearing at the county seat nearest to the area concerned must be held by representatives of the fish and game department where public protests will be heard. Notice of such hearing will be published in local newspapers and radio stations in the area concerned at least ten (10) days prior to the date of the hearing. The fee for a special nonresident deer license shall be twenty dollars ($20.00) and the fee for a special nonresident antelope license shall be twenty dollars ($20.00). Not more than one special nonresident deer license, and/or one special nonresident antelope

Special nonresident antelope and deer licenses.

Term and area.

Hearing on complaints.

Notice.

Fees.

One such license per year per non-resident.

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Tagging.

Permit for shipment out of state.

license shall be issued in any one year to a nonresident. The tagging of game carcasses, as required by law, shall apply to all persons who purchased the special nonresident licenses herein provided. There shall be attached to each special nonresident antelope or deer license a permit which will authorize the holder thereof to ship or transport out of the state one (1) carcass of an animal for which such license was issued.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately to Dec. 31, 1958.

Section 3. This act shall be in full force and effect from and after its passage and approval until December 31, 1958.

Approved March 1, 1957.

CHAPTER 60

An Act Authorizing the Destruction of Game Animals Causing Property Damage and Providing for the Supervision, Control and Disposition Thereof by the State Fish and Game Department; Repealing All Acts and Parts of Acts, in Conflict Herewith; and Providing for an Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Complaint of damage to property by wild game protected under fish and game laws.

Special season is authorized or destruction of such wild game by fish and game dept.

Holder of property may kill.

Wild and ferocious animals excepted.

Section 1. Upon the request or complaint of any landholder, or person in possession and having charge of any land in the state, that wild animals of the state, protected by the fish and game laws and regulations, are doing damage to the said property or crops thereon, the state fish and game department shall investigate and study the situation with respect to damage and depredation. The department may then decide to open a special season on the said game, or if the special season method be not feasible, then the department may destroy the animals causing the damage. Provided, further, that the fish and game department may authorize and grant the holders of said property permission to kill or destroy a specified number of the animals causing the damage. Provided, further, no wild ferocious animal damaging property or endangering life shall be covered by this act.

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Conservation of meat for state institutions.

Section 2. Provided, further, that the meat of all animals so killed or destroyed by the fish and game department or the authorized landholder shall be conserved and given to state institutions or to the school lunch programs, or welfare department. It shall be the duty of the fish and game department to provide transportation and distribution of the meat killed under the authorization of this act.

Repealing clause.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1957.

CHAPTER 61

An Act to Amend Section 80-705 of the Revised Codes of Montana of 1947, Relating to the Salary of the Warden Providing for the Repeal of All Acts and Parts of Acts in Conflict Herewith; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 80-705, Revised Codes of Montana, 1947, are hereby amended to read as follows:

Warden of state prison appointment, term, salary, removal.

"80-705. **Warden — Appointment, Salary and Removal.** A warden of the state prison shall be appointed by the governor, and such appointment must be transmitted to and approved by the senate. The tenure of office of the appointee shall be for a period of four (4) years from the date of appointment and until his successor has been appointed and qualified. The salary of the warden is hereby fixed at the sum of *seven thousand five hundred dollars ($7,500.00)* per year, payable in monthly installments of *six hundred twenty-five dollars ($625.00)* each, at the end of each and every month. The warden shall be subject to removal by the state board of prison commissioners at any time for misfeasance, nonfeasance, or malfeasance in office, but before he is so removed formal charges in writing must be preferred and the warden given opportunity to appear and defend himself against any such charges. When charges shall have

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been preferred, asking the removal of the warden, notice of the time and place of hearing of said charges shall be served upon him at least five (5) days prior to the day set for the hearing; provided, however, that when such charges have been preferred, the state board of prison commissioners shall have the power and authority to suspend the warden until after the determination of the charges preferred against him."

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 1, 1957.

CHAPTER 62

An Act to Amend Section 11-1932 of the Revised Codes of Montana, 1947, as Amended by Chapter 51 of the Session Laws of the State of Montana, 1951, Providing for Minimum Compensation for Duly Appointed and Confirmed Members of Paid Fire Departments of Cities and Towns of the First or Second Class, and Providing for the Repeal of Acts Insofar as They are in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 11-1932 of the Revised Codes of Montana, 1947, as amended by Chapter 51 of the Session Laws of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

Minimum wages of members of fire department of cities of first or second class.

"Section 11-1932. **Minimum Wages of Firemen in Cities of First and Second Class.** From and after July 1, *1957*, there shall be paid to each duly appointed and confirmed member of the fire department of cities or towns of the first or second class of the State of Montana, a minimum wage for a daily service of eight (8) consecutive hours of work of at least *three hundred fifty dollars ($350.00)* per month *for the first year of service, and thereafter of at least three hundred fifty dollars ($350.00) minimum per month plus one per cent (1%) of said minimum base monthly salary three hundred*

Additional 1%.

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fifty dollars ($350.00) for each additional year of service up to and including the twentieth year of such additional service.''

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 1, 1957.

CHAPTER 63

An Act to Amend Section 11-1001 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 6 of the Laws of 1955, Relating to the Authorization of Cities and Towns to Furnish Water to Inhabitants of Such Cities or Towns and to Any Factory or Other Industry Located Outside the Corporate Limits of Such Cities or Towns; Providing for Such Cities or Towns Furnishing Water to Any Person Located Outside the Corporate Limits of Cities or Towns; Deleting Minimum Population for Cities Owning a Municipal Water System to Furnish Water Outside of the Corporate City Limits and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-1001 of the Revised Codes of Montana, 1947, as amended by Section 1 of Chapter 6 of the Laws of 1955, be, and the same is hereby amended to read as follows: Amending clause.

''11-1001. (5040.1) **Authorization of Cities and Towns to Furnish Water to Industries and to Persons Without City Limits — Rates — Penalty for Violations.** (1) The city or town council of any city or town within the State of Montana, that owns and operates a municipal water system, to furnish to the inhabitants of such city or town, as a public utility, shall, in addition to all other powers, have power to furnish water from such water system, to any *person,* factory, or other industry, located within the corporate limits of such city or town, or to any *person,* factory or other industry located outside the corporate limits of such city or town, at rates established for like use or service to the inhabitants or industries located inside the corporate limits of such city or town, provided that delivery of water by any such Authorization to furnish water within and outside corporate limits at rates established inside said limits.

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Delivery to be made within or at boundary of corporate limits.

city or town to or for the use of any *person,* factory or other industry located outside the corporate limits of such city or town shall be made within, or at the boundary line of the corporate limits of such city or town except as hereinafter provided.

Authorization to furnish water outside corporate limits at just and equitable rates.

"(2) The city council of any city within the State of Montana that owns and operates a municipal water system to furnish water to the inhabitants of such city, as a public utility, shall, in addition to all other powers, have power to furnish water from such water system to the inhabitants or to any *person,* factory, industry or producer of farm or other products located outside of the corporate limits of such city, at such rates as to the said city council may seem just and equitable, and such city council is further empowered to make collections for furnishing water in the same manner as collections are made within the corporate limits.

Collection for furnishing water.

Penalty for wilfully turning on water after shut off for non-payment.

"(3) Any person, firm or corporation residing either inside or outside of the corporate limits of a city owning a municipal water system which furnishes water as a public utility, who shall wilfully turn on the water after the same shall have been shut off by or under the direction of the said city for nonpayment of water charges, or who shall unlawfully take water from such water system shall be guilty of a misdemeanor."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1957.

CHAPTER 64

An Act to Amend Section 59-704 of the Revised Codes of Montana, 1947, Relating to Distribution of Public Reports and Providing for Manner of Distribution of Public Reports.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 59-704 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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"59-704. (521) **Distribution of Public Reports.** The reports *shall be distributed by the department responsible for making the report. Such distribution shall be within the discretion of the head of the department making the report, but the following distribution shall be mandatory*: Distribution of public reports.

"To the governor — *as many as he desires, but not less than* twenty-five copies of each report. To governor.

"To the secretary of the state — twenty-five copies of each report. To secretary of state.

"To the librarian of the *state* historical library — *four (4) copies.* To state historical library.

"To the library of Congress — *four (4)* copies of each report." To library of congress.

To the legislative assembly of the State of Montana — one (1) copy for each member. To the legislative assembly.

Approved March 1, 1957.

CHAPTER 65

An Act to Amend Section 11-1831 of the Revised Codes of Montana, 1947, Relating to the Days of Employment of Policemen in Cities of the First and Second Class; Providing the Number of Days Off in a Work Week; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-1831 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"11-1831. **Days Off Duty Without Loss of Compensation.** That each member of the police force in every city of the first and second class shall be given *two (2)* days off duty in each *seven (7)* day period without loss of compensation." Days off duty without loss of compensation.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 1, 1957.

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CHAPTER 66

An Act to Amend Section 4-150 of the Revised Codes of Montana, 1947, Relating to the Unlawful Possession of Liquor and the Unlawful Sale of Liquor; Providing That Any Person Entering This State From Any Other State, or From Any Foreign Country, May Have in His Possession Not to Exceed One (1) Wine Gallon of Alcoholic Liquor Which Shall Have Been Purchased in Another State, or Foreign Country; Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 4-150 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Unlawful possession and sale of liquor.

"4-150. (2815.104) **Sale of Liquor Unlawful, When — Foreign Substance in Liquor Forbidden — Possession of Liquor, When Unlawful.** (1) Except as provided by this act, no person shall, within the state, by himself, his clerk, servant, or agent, expose or keep for sale, or directly or indirectly or upon any pretense, or upon any device, sell or offer to sell, or in consideration of the purchase or transfer of any property, or for any other consideration, or at the time of the transfer of any property, give to any other person any liquor.

Unlawful possession and sale of beer or malt liquor with any foreign substance.

"(2) No person shall have, keep or sell any beer, or malt liquor, to which has been added any foreign substance.

Unlawful possession of liquor not sold by state vendor, board or druggist.

"(3) No person shall have or keep any liquor within the state which has not been purchased from a state vendor of the Montana liquor control board or from a druggist authorized to sell the same; provided, however, that nothing in this act shall prohibit any person entering this state from any other state, or from any foreign country, from having in his possession not to exceed (1) *wine gallon* of alcoholic liquor, which liquor shall have been purchased in another state or foreign country but no person claiming to have so entered the state, shall at any time, have in his possession more than one (1) *wine gallon* of intoxicating liquor which shall not have been purchased from a state liquor store. This

Exception— one gallon of alcoholic liquor purchased outside the state;

one gallon of intoxicating liquor not purchased from state liquor store.

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subsection shall not apply to the board or to the keeping or having of liquor by brewers, distillers and other persons duly licensed by the United States for the manufacture of such liquor; nor to the keeping or having of any proprietary or patent medicines or of any extracts, essences, tinctures or preparations where such having and keeping is authorized by this act. Not applicable.

"(4) Nothing contained in this section shall apply to the possession by a sheriff or his bailiff of liquor seized under execution or other judicial or extra-judicial process nor to sales under executions or other judicial or extra-judicial process to the board, or in the case of beer to a brewer, beer licensee, club licensee or canteen licensee." Liquor seized, excepted.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 1, 1957.

CHAPTER 67

An Act to Amend Section 75-4601 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 188 of the Laws of 1951; Relating to Designation of Boards of Trustees of County High Schools and Boards of Trustees of Any School Districts Maintaining District High Schools as Boards of Trustees of the Respective High School Districts; Election and Terms of Additional Trustees; Division of Taxable Valuation of Districts and Authorization of Trustees to Undertake Public Works Program Upon Resolution or Petition; Deleting the Request of the Board of the District in which the High School is Located From the Provision for Election of Additional Trustees, Containing a Repealing Clause; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 75-4601 of the Revised Codes of Montana, 1947, as amended by Section 1 of Chapter 188 of the laws of 1951, be, and the same is hereby amended to read as follows: Amending clause.

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Boards of trustees of high school districts.

"75-4601. **High School Trustees May Undertake Public Works Program—Additional Trustees—Division of Taxable Valuation—Commencement of Proceedings.** In any county having a high school the board of trustees of the county high school, if there be one, and the boards of trustees of any school districts maintaining district high schools, are hereby designated as the boards of trustees of the respective high school districts established under this act, provided that additional members may be elected to the board of trustees of districts maintaining district high schools in the number and manner as follows: When a majority of the boards of the common school districts in the high school district so request. Such requests shall be directed to the county superintendent of schools, who shall proceed as directed in this act.

Additional members may be elected.

Determination of number of additional trustees.

"The taxable valuation of the district in which the high school is located shall be divided by the number of trustees on the high school board. In the case of a first class district this number shall be seven (7), for a second class district five (5), and for a third class district three (3). This figure obtained shall then be divided into the remaining valuation of the high school district, and the resulting number, to the closest whole number, shall be the number of additional board members to be elected; provided, that the number of these additional board members shall not exceed four (4) in districts of the first and second class or two (2) in districts of the third class.

Election of additional members.

"(a) The additional members elected to the board of trustees of districts maintaining high schools shall be elected at a meeting of the trustees of all of the boards of trustees of the common school districts included within the boundaries of the high school district which meeting shall be held on the fourth Saturday in April beginning with the year 1951. The members so elected shall hold office for a term of three (3) years and such meetings and elections shall be held every third year after the first meeting. The state superintendent of public instruction shall make all necessary rules and regulations for the con duct of said meeting and it shall be the duty of the county superintendent of schools to give written notice of the meeting by registered mail to each trustee not less than seven (7) days before such meeting. The additional

Term.

Written notice of meetings.

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trustees elected shall be elected from the trustees of the common school districts included within the high school district with the exception of the membership of the board of trustees of the school districts maintaining high schools.

Additional members to be elected from trustees of common school districts, when.

"(b) The additional members elected to the board of trustees of districts maintaining high schools, shall take office immediately after qualifying and shall participate on an equal basis with other members in all business transacted by the board of trustees pertaining to the high school maintained by said districts.

Board of trustees of high school district authorized to undertake program to construct, improve, equip buildings, for use of high schools in county.

"To effectuate the purpose of this act, the board of trustees of any high school district, as herein provided for, is hereby authorized to undertake a program of public works in the construction, improvement or repair of buildings, furnishing and equipping the same and purchasing the necessary land therefor, for the use of any or all high schools in such high school district, and to accept funds from the United States, its instrumentalities or any of its agencies in aid of any one or more of such purposes. Such proceedings may be commenced by resolution upon the part of such board of trustees of such high school district of its own motion and without any petition being filed *therefor*, such proceedings may also be commenced on petition of thirty percent (30%) of the qualified electors of the high school district. Upon presentation of this petition to the high school district board of trustees, the latter shall, within sixty (60) days take steps to present the matter asked for in the petition to a vote of the people of the high school district."

Procedure.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in effect on passage and approval.

Approved March 1, 1957.

CHAPTER 68

An Act to Amend Section 2 of Chapter 190 of the Session Laws of Montana, 1953, Relating to the Maximum Fees Which May Be Paid by the State, Counties, Cities, and School Districts for Architectural Planning and

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Construction of Public Buildings; by Providing Three Separate Schedules for Buildings and Maximum Fees in Relation Thereto; and by Providing All Architectural Plans and Specifications for Such Public Buildings Shall Bear the Seal and Signature of the Architect Responsible Therefor; Directing That Unconstitutionality of a Part of This Act Shall Not Affect or Impair the Remainder; and Repealing All Acts or Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 2 of Chapter 190 of the Session Laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Maximum rates for architectural and planning services established.

"Section 2. No payment for professional services of any architect or architects, relating to the planning or construction of public buildings of the State of Montana, or any agency thereof, or any county, city, or school district in the state, shall hereafter be made at any greater rate of compensation for such professional services than hereinafter set forth; and no contract for professional services of any architect or architects, relating to the planning or construction of any such public buildings, works or improvements, shall hereafter be entered into by any board, department or agency of the State of Montana, or of any county, city or school district in the state which shall provide for payment of any greater rate of compensation for such professional services than the following percentages of actual cost of construction of such buildings, works or improvements, to wit:"

"A" rate specialized types.

"A" Rate — Specialized Types: Structures of individual design and detail requiring special skill and prolonged study such as banks, clinics, club buildings, hospitals, libraries, memorials, monuments, museums and residences:

	Fee	*Construction Cost*
	8.00% of first	*$ 50,000*
Plus	*7.75% of next*	*$ 50,000*
Plus	*7.50% of next*	*$100,000*
Plus	*7.00% of next*	*$300,000*
Plus	*6.00% of next*	*$500,000*
Plus	*5.00% of all additional*	

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"B" rate conventional types.

"B" Rate — Conventional Types: Structures of conventional character such as apartments, administrative buildings, bus and railway depots, churches, dormitories, fire stations, nurses' homes, office buildings, restaurants, schools, shopping centers, stores and shops and theatres:

	Fee	*Construction Cost*
	7.50% of first	*$ 50,000*
Plus	*7.25% of next*	*$ 50,000*
Plus	*7.00% of next*	*$100,000*
Plus	*6.50% of next*	*$300,000*
Plus	*5.50% of next*	*$500,000*
Plus	*4.50% of all additional*	

"C" rate utilitarian types.

"C" Rate — Utilitarian Types: Structures of simplest utilitarian character such as airport hangers, armories, field houses, garages, shop maintenance buildings, multiple housing projects, stadiums, warehouses:

	Fee	*Construction Cost*
	6.50% of first	*$ 50,000*
Plus	*6.25% of next*	*$ 50,000*
Plus	*6.00% of next*	*$100,000*
Plus	*5.50% of next*	*$300,000*
Plus	*4.50% of next*	*$500,000*
Plus	*3.50% of all additional*	

Seal and signature of architect.

All architectural plans and specifications for such public buildings of the State of Montana, or any agency thereof, or of any county, city, or school district of the state, shall bear the seal and signature of the architect responsible therefor.

Severability.

Section 2. **Severability.** If any section, subdivision, sentence, or word of this act shall be determined by a court of competent jurisdiction to be unconstitutional or inoperative, it shall not affect the remaining portions of this act.

Repealing clause.

Section 3. **Repealing Clause.** All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 1, 1957.

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CHAPTER 69

An Act Relating to the Powers and Duties of City Councils, Commissions or Other Governing Body of Any City or Town Respecting Highways, Roads and Streets and Providing That City Councils, Commissions or Other Governing Body May Enter Into and Contract Jointly or Independently With the Montana State Highway Commission, United States Bureau of Public Roads or Any Other Federal Agency for the Construction or Reconstruction and to Acquire Rights of Way, for Highways, Roads and Streets Within Such City or Town by Such Method or Methods as May be Agreed Upon by the State Highway Commission and Such City Council, Commission or Other Governing Body and Requiring That All Contracts Let Pursuant to This Act be Let by the State Highway Commission, and Repealing All Acts and Parts of Acts in Conflict Herewith; Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Cities or towns may, on federal aid highway construction, enter into contracts, jointly or independently, for construction or reconstruction of highways.

Section 1. The city council, commission or other governing body of any city or town may, whenever highway construction work is to be financed in whole or in part by federal funds, enter into and contract jointly or independently with the Montana state highway commission, United States bureau of public roads, and/or any other federal agency heretofore established or which may be hereafter established, for the construction or reconstruction of highways, roads and streets, to acquire rights of way, and do any other thing essential and practical in securing such highway, road and street construction or reconstruction or such rights of way as may be agreed upon between such city council, commission or other governing body and the state highway commission or federal agency. All contracts for work on highways, roads and streets which shall be let pursuant to the authority herein granted, shall be let by the Montana state highway commission.

Contracts let by highway commission.

Repealing clause.

Section 2. All other acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1957.

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CHAPTER 70

An Act to Amend Section 66-1507 of the Revised Codes of Montana, 1947, Which Provides for Annual Renewal of Registration Fees for the Practice of Pharmacy to be a Professional Practice Affecting the Public Health, Safety and Welfare.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 66-1507, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows, to-wit:

Amending clause.

"66-1507. (3177) **Annual Renewal of Registration Fees.** Every person licensed and registered by the board shall annually pay to the board a renewal of registration fee of five dollars ($5.00). It shall be unlawful for any such person who refuses or fails to pay such renewal fee to practice pharmacy in this state. *The practice of pharmacy in the State of Montana is declared a professional practice affecting the public health, safety and welfare and is subject to regulation and control in the public interest.* Every certificate and renewal shall expire at the time prescribed, not later than one (1) year from its date. Any person who has been registered and licensed by the board and has defaulted in the payment of said renewal fee may be reinstated within two (2) years of such default without examination upon payment of the arrears."

Annual renewal of registration fees required.

Practice of pharmacy is a professional practice.

Term.

Reinstatement.

Approved March 2, 1957.

CHAPTER 71

An Act to Amend Section 71-230, Revised Codes of Montana, 1947, Relating to the Method of Issuing Assistance Grants — Reimbursement; to Amend Section 71-401, Revised Codes of Montana, 1947, Relating to the Administration of Old Age Assistance; to Amend Section 71-405, Revised Codes of Montana, 1947, as Amended by Chapter 155, Laws of 1949, and as Amended by Chapter 199, Laws of 1951, Relating to the County Share of Participation in Old Age Assistance Payments; to Amend Section 71-501, Re-

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vised Codes of Montana, 1947, Relating to the Definition of the Term "Dependent Child" and Adding as a Relative With Whom a Dependent Child May Live, Nephew, Niece, and First Cousin; to Amend Section 71-502, Revised Codes of Montana, 1947, as Amended by Chapter 199, Laws of 1951, Relating to the Definition of "Aid to Dependent Children;" to Amend Section 71-508, Revised Codes of Montana, 1947, Relating to the County Share of Participation in Aid to Dependent Children Payments; to Amend Section 71-601, Revised Codes of Montana, 1947, as Amended by Chapter 157, Laws of 1951, Relating to the Definition of Aid to Blind; to Amend Section 71-611, Revised Codes of Montana, 1947, as Amended by Chapter 155, Laws of 1951, and as Amended by Chapter 199, Laws of 1951, Relating to the County Share of Participation in Aid to Needy Blind Payments; to Amend Section 71-1201, Enacted as Chapter 160, Laws of 1951, Relating to the Administration of Aid to the Permanently and Totally Disabled; and to Amend Section 71-1206, Enacted as Chapter 160, Laws of 1951, Relating to the County Share of Participation in Grants for Aid to the Permanently and Totally Disabled; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 71-230, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Payment of public assistance—exceptions.

"71-230. **Method of Issuing Assistance Grants — Reimbursement.** (a) Checks in payment of public assistance, as provided for in each part of this act, with the exception of general relief, *and with the exception of old age assistance, aid to dependent children, aid to needy blind, and aid to the permanently and totally disabled payments made in behalf of such recipients for medical care* shall be issued by the state department upon approved *certificates of award and reports of changes* of such eligible grantees as are forwarded by the county department to the state department and all such checks will be mailed to the individual recipient. The checks in payment of public assistance shall be issued in the full approved amount for each eligible approved grantee and the original

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monthly payment shall be from the state public welfare accounts. All public assistance checks shall represent cash on demand at full par value to the recipient.

Payment from state public welfare accounts.

"(b) On or before the twentieth of each month the state department will present a claim for reimbursement to each county department for its proportionate share of public assistance granted in the county during the month. The county department must make such reimbursement to the state department within twenty (20) days after such claim is presented.

Reimbursement to state department by counties.

"(c) Warrants or checks shall be issued from the poor fund of the county in payment of medical care provided in behalf of eligible recipients of old age assistance, aid to dependent children, aid to needy blind, and aid to the permanently and totally disabled. The warrants or checks shall be identified to the category of assistance under which issued."

Warrants or checks from county poor fund.

Section 2. That Section 71-401, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"71-401. **Provision for Administration.** (a) The state department of public welfare is hereby authorized and is charged with the general administration and supervision of old age assistance under the powers, duties and functions as prescribed in Sections 71-201 to 71-232.

General administration and supervision of old age assistance.

"(b) The county department of public welfare shall be charged with the local administration and supervision of old age assistance, subject to the powers, duties and functions prescribed for the county department in Sections 71-201 to 71-232.

Local administration by county.

"(c) It is hereby mandatory and required that the state plan and operation of old age assistance shall be in effect in each and every county of the state and the administration and supervision of old age assistance shall be uniform throughout the several counties of the state.

State plan in effect in counties.

"(d) The state department of public welfare shall have printed and distribute copies of this act to all county welfare departments and shall prescribe the form of and print and supply to the county welfare departments blanks of applications, reports and such other forms as may be necessary in relation to old age assistance.

Distribution of this act.

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Rules and regulations for counties.

"(e) All rules and regulations of the state department of public welfare made under this act shall be binding upon the county departments of public welfare.

"Old age assistance" defined.

"(f) Definition, old age assistance as used in this part means money payments to *or payments made for medical care in behalf of* aged needy individuals."

Amending clause.

Section 3. That Section 71-405, Revised Codes of Montana, 1947, as amended by Chapter 155, Laws of 1949, and as amended by Chapter 199, Laws of 1951, be, and the same is hereby amended to read as follows:

County share of participation—approved old age assistance paid.

"71-405. **County Share of Participation.** Each county department shall reimburse the state department in the amount of one-third (1/3) of the approved old age assistance grants paid by the state department to persons in the county each month, exclusive of the federal share and limited to the federal matching maximum. Such reimbursements shall be credited to the old age assistance account of the state department. The amount of approved old age assistance grants over that to which contribution is made by the federal government shall be borne solely by the state department without reimbursement by the county department. *Payments for medical care in behalf of recipients of old age assistance are not subject to the above provisions.*"

Payments for medical care excepted.

Amending clause.

Section 4. That Section 71-501, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Dependent child" defined.

"71-501. **'Dependent Child' Defined.** The term 'dependent child' means a child under the age of eighteen (18) who has been deprived of parental support or care by reason of the death, continued absence from the home, or physical or mental incapacity of a parent, and who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, *nephew, niece,* or *first cousin,* in a place of residence maintained by one or more of such relatives as his or their own home."

Amending clause.

Section 5. That Section 71-502, Revised Codes of Montana, 1947, as amended by Chapter 199, Laws of 1951, be, and the same is hereby amended to read as follows:

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"71-502. **'Aid to Dependent Children' Defined.** The term 'aid to dependent children' means money payments with respect to *or payments made for medical care in behalf of* a dependent child or dependent children including money payments *or payments made for medical care* for any month to meet the needs of a relative with whom a dependent child is living if money payments have been made with respect to such child for such month." "Aid to dependent children" defined.

Section 6. That Section 71-508, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"71-508. **County Share of Participation.** Each county department shall reimburse the state department in the amount of one-third (1/3) of the amount paid by the state department after the share contributed by the federal government is deducted, of the approved aid to dependent children grants to persons in the county each month for that part of the grants to which contribution is made by the federal government. Each county department shall reimburse the state department in the amount of fifty per cent (50%) of such grants which are not included within the provisions of the first sentence of this section. These reimbursements shall be credited to the aid to dependent children account of the state department. *Payments for medical care in behalf of recipients of aid to dependent children shall not be subject to the above provisions.*" County share of participation—approved aid to dependent children. Medical care payments excepted.

Section 7. That Section 71-601, Revised Codes of Montana, 1947, as amended by Chapter 157, Laws of 1951, be, and the same is hereby amended to read as follows: Amending clause.

"71-601. **Definitions — As Used in This Title:** Definitions.

"(a) 'Aid to blind' (or assistance) means money payments to *or payments made for medical care in behalf of* blind persons in need. "Aid to blind"

"(b) 'Supplementary services' means services other than money payments. "Supplementary services".

"(c) 'Ophthalmologist' means a physician licensed to practice medicine in the State of Montana and who is actively engaged in the treatment of diseases of the human eye. "Ophthalmologist".

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"Optometrist". "(d) 'Optometrist' means a practitioner licensed to practice optometry in the State of Montana and who is actively engaged in such practice."

Amending clause. Section 8. That Section 71-611, Revised Codes of Montana, 1947, as amended by Chapter 155, Laws of 1951, and as amended by Chapter 199, Laws of 1951, be, and the same is hereby amended to read as follows:

County share of participation. "71-611. **County Share of Participation.** Each county department shall reimburse the state department in the amount of one-third (1/3) of approved aid to needy blind grants paid by the state department to persons in the county each month, exclusive of the federal share and limited to the federal matching maximum. Such reimbursement shall be credited to the aid to needy blind account of the state department. The amount of approved aid to needy blind grants over that to which contribution is made by the federal government shall be borne solely by the state department without reimbursement by the county department. *Payments for medical care in behalf of recipients of aid to needy blind shall not be subject to the above provisions.*"

Medical care payments excepted.

Amending clause. Section 9. That Section 71-1201, Enacted as Chapter 160, Laws of 1951, be, and the same is hereby amended to read as follows:

General administration of aid to the disabled. "71-1201. **Provision for Administration.** (a) The state department of public welfare is hereby authorized and is charged with the general administration and supervision of aid to the permanently and totally disabled under the powers, duties and functions as prescribed in Sections 71-201 through 71-232, Revised Codes of Montana, 1947.

Local administration. "(b) The county departments of public welfare are hereby charged with the local administration and supervision of aid to the permanently and totally disabled subject to the powers, duties and functions prescribed for the county departments in Sections 71-201 through 71-232, Revised Codes of Montana, 1947.

Administration of state plan must be uniform in counties. "(c) It is hereby mandatory and required that the state plan and operation of aid to the permanently and totally disabled shall be in effect in each and every county of the state and that the administration and supervision

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of aid to the permanently and totally disabled shall be uniform throughout the several counties of the state.

Rules and regulations for county departments.

"(d) All rules and regulations of the state department of public welfare made under this act shall be binding upon the county departments of public welfare.

"Aid to the permanently and totally disabled" defined.

"(e) Aid to the permanently and totally disabled, as used in this chapter, means money payments to *or payments made for medical care in behalf of* needy individuals eighteen (18) years of age or over who are permanently and totally disabled."

Amending clause.

Section 10. That Section 71-1206, enacted as Chapter 160, Laws of 1951, be, and the same is hereby amended to read as follows:

County share of participation of approved aid to permanently and totally disabled.

"71-1206. **County Share of Participation.** Each county department shall reimburse the state department in, the amount of two-thirds (2/3) of the approved aid to the permanently and totally disabled grants paid by the state department to persons in the county each month, exclusive of the federal share and limited to the federal matching maximum. Each county department shall reimburse the state department in the amount of seventy-five per cent (75%) of the portion of such grants that is not included within the provisions of the first sentence of this section. Such reimbursements shall be credited to the aid to the permanently and totally disabled account of the state department. *Payments for medical care in behalf of recipients of aid to the permanently and totally disabled shall not be subject to the above provisions.*"

Medical care payments excepted.

Repealing clause.

Section 11. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1957.

CHAPTER 72

An Act to Amend Section 71-210, Revised Codes of Montana, 1947, as Amended by Chapter 199, Laws of 1951, Relating to the Supervision of the Medical Care Programs of the Several Counties; Relating to the Development of Educational Leave and Staff Development

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Policies; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 71-210, Revised Codes of Montana, 1947, as amended by Chapter 199, Laws of 1951, be, and the same is hereby amended to read as follows:

Authority and activities of state department.

"71-210. **Authority and Activities of the State Department.** The state department is hereby charged with authority over and administration or supervision of all the purposes and operations as set forth under the several parts of this act. The state department shall:

Administer or supervise public assistance, child protection and child welfare.

"(a) Administer or supervise all forms of public assistance, child protection and child welfare, *including the provision of medical care payments in behalf of recipients of public assistance;*

Administer or supervise all child welfare activities.

"(b) Administer or supervise all child welfare activities, including importation and exportation of children; licensing and supervising of private and local child-caring agencies; the care of dependent, neglected and delinquent children in foster family homes, especially children placed for adoption or those of illegitimate birth;

Give consultant service.

"(c) Give consultant service to private institutions providing care for the needy, indigent, handicapped or dependent adults;

Services to the blind.

"(d) Develop and cooperate with other state agencies provisions for services to the blind, including the prevention of blindness, the location of blind persons, medical services for eye conditions and vocational guidance and training of the blind;

Services to counties.

"(e) Provide services to county governments in respect to organization and supervision of county welfare departments for efficiency and economy in the administration of public welfare functions;

Prescribe standards and salary rates for personnel.

"(f) Prescribe and maintain minimum standards and salary rates for public welfare personnel in state and county departments, establish rules and regulations to maintain such standards, and furnish to the county welfare boards a list of qualified personnel who are avail-

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able for appointment. *Develop policies relating to educational leave of employees of the department and prospective employees of the department; and develop policies relating to staff development needs of employees of the department.* Insofar as possible such personnel shall be residents of the county; Develop policies for employees.

"(g) Assist and cooperate with other state and federal departments, bureaus, agencies and institutions, when so requested, by performing services in conformity with the purposes of this act." Assistance and cooperation.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 2, 1957.

CHAPTER 73

An Act to Amend Section 71-101, Revised Codes of Montana, 1947, Relating to the Superintendence of the Poor by the Board of County Commissioners; and to Amend Section 71-118, Revised Codes of Montana, 1947, Relating to the Authority of the County Commissioners to Purchase and Maintain a County Farm; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 71-101, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"71-101. **The Board of County Commissioners Vested With Control.** The board of county commissioners are vested with superintendence of the poor." Board of county commissioners to superintend the poor.

Section 2. That Section 71-118, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"71-118. **County Farm.** The board may purchase, improve, and keep in repair a tract of land not exceeding one hundred and sixty (160) acres, to be known as *the county* farm, and to erect thereon suitable *buildings* for the use, health, and employment of all persons as are a county charge, and the *county* farm, *and* the *buildings* County farm.

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thereon, must be under such rules and regulations as the board orders. It may also provide for the care, support, and maintenance of the sick, poor, and infirm of the county upon *such* farm."

Repealing clause.

Section 3. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1957.

CHAPTER 74

An Act to Repeal Section 71-103, Revised Codes of Montana, 1947, Relating to Intemperate Persons; to Repeal Section 71-104, Revised Codes of Montana, 1947, Relating to When a Person May Receive Relief From the County; to Repeal Section 71-105, Revised Codes of Montana, 1947, Relating to the Relief to be Worked Out by Able-Bodied Males; to Repeal Section 71-108, Revised Codes of Montana, 1947, Relating to the Care of County Poor and Indigent Sick and Infirm; to Repeal Section 71-109, Revised Codes of Montana, 1947, Relating to Contracts for Care of Poor and Indigent Sick and Infirm; to Repeal Section 71-110, Revised Codes of Montana, 1947, Relating to a Contract for Medicines and Medical Attendance; to Repeal Section 71-112, Revised Codes of Montana, 1947, Relating to the Board's Rejection of Any Bid; to Repeal Section 71-115, Revised Codes of Montana, 1947, Relating to the Application of Persons Seeking Relief; to Repeal Section 71-119, Revised Codes of Montana, 1947, Relating to Surplus Moneys in the Poor Fund.

Be it enacted by the Legislative Assembly of the State of Montana:

Sections 71-103, 71-104, 71-105, 71-108, 71-109, 71-110 71-112, 71-115, and 71-119, R.C.M., 1947, repealed.

Section 1. That Sections 71-103, 71-104, 71-105, 71-108, 71-109, 71-110, 71-112, 71-115 and 71-119, Revised Codes of Montana, 1947, be, and the same are hereby repealed.

Approved March 2, 1957.

CHAPTER 75

An Act to Amend Section 11-2008, Revised Codes of Montana, 1947, Relating to Fire Districts in Unincor-

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porated Territory, Towns and Villages, as Amended by Chapter 75 of the Session Laws of 1953; Providing a Savings Clause; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 11-2008, Revised Codes of Montana, 1947, relating to fire districts in unincorporated territory, towns and villages, as amended by Section 1 of Chapter 75 of the Session Laws of 1953, be, and the same is hereby amended to read as follows:

Creation of rural fire districts.

"11-2008. (5148) **Fire Protection — Creation of Fire Districts — Contracts With Cities and Towns — Dissolution and Change of Boundaries.** (a) The board of county commissioners is authorized to establish fire districts in any unincorporated territory, town or village *upon presentation of a petition* in writing *signed* by the owners of fifty percent (50%) or more of the area included within the proposed district who constitute a majority of the taxpayers who are freeholders of such *area,* and whose names appear upon the last completed assessment roll; *the board shall within ten (10) days after the receipt of such petition; give notice of the hearing thereof at least ten (10) days prior thereto by causing notices of the time and place of such hearing to be posted in at least three (3) of the most public places within the area proposed to be established as a fire district, and published at least once not less than ten (10) or more than twenty (20) days prior to the time of said hearing in a newspaper regularly published in the county in which such proposed district is situated. The board shall proceed to hear the said petition at the time set therefor, or at any time within five (5) days thereafter to which the same shall have been postponed or continued with due notice, and may grant the same unless it shall be established thereat that the petition bears insufficient signatures as above required, or, if originally sufficient, that by reason of written withdrawals thereof it has become insufficient. The board shall render its decision within thirty (30) days after said hearing.* At the time of the annual levy of taxes *the board of county commissioners* may levy a special tax upon all property within such districts for the purpose of buying *and maintaining* fire protection facilities and apparatus for such districts, or for the purpose

Petition of taxpayers and free holders.

Notice of hearing

Hearing.

May grant if petition sufficient.

Decision.

May levy special tax for purchase of facilities and apparatus, or for payment to city or town.

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of paying to a city or town the consideration provided for in any contract with the council of such city or town for the extension of fire protection service to property within such district, and such tax must be collected as are other taxes.

Dissolution procedure.

"(b) Any fire district organized under this act may be dissolved *by* the board of county commissioners *upon presentation of a petition therefor signed* by the owners of fifty per cent (50%) or more of the area included within such fire district and who constitute a majority of the taxpayers who are freeholders of such *area,* and whose names appear upon the last completed assessment roll. *The procedure and requirements outlined in subsection (a) above shall apply to such requests for dissolution of fire districts.*

Division and change of boundaries.

"(c) **Change of Boundaries — Division.** Fire districts may be divided in the following manner: Whenever a petition in writing shall be made to the county commissioners, signed by the owners of twenty percent (20%), or more, of an area proposed to be detracted from the original district, and who constitute twenty percent (20%), or more of the taxpayers who are freeholders within such proposed detracted area, whose names appear upon the last completed assessment roll, the county commissioners shall, within ten (10) days from the receipt of such petition give notice of the hearing of said petition by causing to be posted, a notice thereof at least ten (10) days prior to the time appointed by them for the consideration of said petition, in at least three (3) of the most public places within the proposed detracted area, and also in at least three (3) of the most public places within the remaining area. The petition for detraction shall describe the boundaries of the proposed detracted area, and also the boundaries of the remaining area. The county commissioners shall, on the day fixed for hearing such petition (or on any legally postponed day), proceed to hear said petition; and said petition shall be granted, and the original district shall thereupon be divided into separate districts, unless at the time of the hearing on such petition protests shall be presented by the owners of fifty percent (50%), or more, of the area included within the entire original district, and who constitute a majority of the taxpayers who are freeholders of the entire original district, and whose names appear

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upon the last completed assessment roll. If such required amount of protests are presented, the petition for division shall be disallowed. Upon the division of districts, moneys on hand shall be apportioned between the divided areas according to their respective taxable valuations; all other assets of the original district shall become the property of the remaining area, but a reasonable value shall be placed upon such 'other assets' and the remaining area shall become indebted to the detracted area for its proportionate share thereof, based upon taxable valuations. Provided, however, that any detracted area shall remain liable for any existing warrant and bonded indebtedness of the original district.

"(d) **Change of Boundaries — Annexation.** Contiguous territory that is not already a part of a fire district may be annexed in the following manner: A petition in writing by the owners of fifty percent (50%), or more, of the contiguous area proposed to be annexed, and who constitute a majority of the taxpaying freeholders within such proposed area to be annexed, whose names appear upon the last completed assessment roll, shall be presented to the board of county commissioners. The commissioners shall hold a hearing on such petition, in accordance with the procedure outlined in subsection (c) above; and shall allow the annexation of such proposed contiguous territory, unless protests are presented at the hearing by the owners of fifty percent (50%), or more, of the area included within the original district, and who constitute a majority of the taxpaying freeholders within the original district. Such annexed territory shall become liable for any outstanding warrant and bonded indebtedness of the original district.

Annexation and change of boundaries.

"Contiguous territory that is already a part of a fire district may withdraw from such fire district and become annexed to another fire district in the following manner: A petition in writing by the owners of fifty per cent (50%), or more, of an area which is part of any organized fire district, and who constitute a majority of the taxpaying freeholders within such area, according to the last completed assessment roll, shall be presented to the county commissioners asking that such area be transferred to, and included in, any other organized fire district to which said area is contiguous. Said petition must set forth the change of boundaries to be effected

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by such proposed transfer of area. The commissioners shall hold a hearing on the petition in accordance with the procedure outlined in subsection (c), above; and the withdrawal and annexation shall be allowed unless protests are presented at the hearing by the owners of fifty percent (50%), or more, of the area included within both districts affected, and who constitute a majority of the taxpaying freeholders of both districts, according to the last completed assessment roll, and provided, that such withdrawals and annexation shall be allowed only upon a showing of more advantageous proximity and communications with the fire-fighting facilities of the other district."

Severability.

Section 2. If any provision contained in this act shall for any reason be held invalid, such decision shall not invalidate the remaining portions of this law.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1957.

CHAPTER 76

An Act to Amend Section 16-1008A, Revised Codes of Montana, 1947, as Amended by Chapter 5, of the Laws of the Thirty-first Legislative Assembly of the State of Montana, 1949, Relating to the Erection and Management of County Buildings and Other Improvements, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 16-1008A, Revised Codes of Montana, 1947, as amended by Chapter 5, of the Laws of the thirty-first legislative assembly of the State of Montana, 1949, be, and the same is hereby amended to read as follows:

Erection and management of county buildings and other improvements.

"16-1008A. **Erection and Management of County Buildings and Other Improvements.** The board of county commissioners has jurisdiction and power under such limitations and restrictions as are prescribed by law: To cause to be erected, furnished and main-

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tained a court house, jail, hospital, civic center, youth center, park buildings, museums, recreation centers, and any combination thereof, and such other public buildings as may be necessary.

Commission for management of such county buildings.

"The board of county commissioners shall have the power in their discretion to create a commission for the management of such civic center, youth center, park buildings, museums, recreation centers, hospitals, or any combination of two or more thereof. Such commission shall be composed of the senior district court judge of the county, chairman of the board of county commissioners, the chairman of the school board for the district in which any of the above named buildings are situated, and the mayor of the city in such district, and five (5) lay members to be appointed by the senior district court judge, the chairman of the board of county commissioners, the chairman of the school board for the district in which any of the above named buildings are situated, and the mayor of the city in such district, and their terms of office shall be respectively one (1) for one (1), two (2) for two (2), and two (2) for three (3) years, and on the expiration of such terms of one (1), two (2) and three (3) years, their successors shall hold for three (3) years each, and all of the above persons shall serve without compensation. In cases where a commission has been appointed, the commission together with the board of county commissioners shall have the power to employ a manager.

Composition.

Terms.

No compensation.

County hospital for indigent sick, and nonindigent sick.

"A county hospital so erected and furnished may be used for the hospitalization of the indigent sick of the county. Any county hospital which has heretofore been, or which may hereafter be, erected and furnished under the provisions of this act may also be used for the hospitalization of the nonindigent sick, provided said nonindigent sick pay a reasonable fee for such hospitalization, and provided further that, except in cases of emergency, there are no indigent sick needing hospitalization who would be deprived of hospitalization by reason of the use of said hospital facilities by nonindigents. The board of county commissioners of any county of this state which now has, or may hereafter acquire, title to a site and building, or buildings, suitable for county hospital purposes, shall have jurisdiction and power under such limitations and restrictions as are prescribed

Jurisdiction and power of county commissioners.

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by law to furnish and equip such building or buildings, for hospital purposes in accordance with and as provided by the provisions of this act."

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1957.

CHAPTER 77

An Act to Amend Section 26-107 of the Revised Codes of Montana, 1947, as Amended by Chapter 58, Laws of 1951 and as Amended by Chapter 78, Laws of 1955, Relating to State Fish and Game Wardens and Their Appointment; and Providing for Repeal of All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 26-107 of the Revised Codes of Montana, 1947, as amended by Chapter 58, Laws of 1951 and as amended by Chapter 78, Laws of 1955, be, and the same is hereby amended to read as follows:

State fish and game wardens—appointment, qualifications, duties.

"Section 26-107. **State Fish and Game Wardens — Appointment — Qualifications.** The director, by and with the consent and approval of the commission, shall have the power to employ and appoint a deputy director, and a sufficient number of state *fish and* game wardens for the proper enforcement of the fish and game laws of the state, and the orders, rules and regulations of the commission, and for such other purposes as the director may designate. State *fish and* game wardens shall be selected from applicants who have passed such an examination as may be required according to the rules adopted and promulgated by the commission. No person shall be appointed a state *fish and* game warden until a certificate shall have been issued to him by the commission to the effect that he has passed the required examination and is a fit and proper person to perform the duties of the office. State *fish and* game wardens employed and appointed by virtue of this act shall be persons who have an interest in protection, conservation and propagation of wildlife, game and fur-bearing animals, fish

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and game birds; they shall devote all of their time to their official duties."

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 2, 1957.

CHAPTER 78

An Act to Amend Section 5-208, Revised Codes of Montana, 1947, Relating to Qualifications and Tenure of the Board of Directors; Providing for Elections and Oath of Office; Providing That This Act Shall be in Full Force and Effect After its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 5-208, Revised Codes of Montana, 1947, be and is hereby amended to read as follows:

"5-208. (6014.14) **Board of Directors — Qualifications, Tenure, and Vacancies.** The affairs of the bank shall be managed by a board of directors, not less than three (3) or more than eleven (11) in number, all of whom shall be stockholders of such bank and citizens of the United States, and of whom at least *two-thirds (2/3)* must be residents of the State of Montana. No person who shall have been convicted of a crime against the banking laws of the United States or of any state of the union shall be elected a director. The directors shall be elected for a term of one (1) year at the annual meeting of the stockholders, which shall be held on the second Tuesday in January of each year. In case the election shall not be made on the day fixed for the annual meeting, the corporation shall not thereby be dissolved, but an election may be had at any other time agreeable to the bylaws of the corporation, and the persons so elected shall hold their office until the second Tuesday in January following, or until others are elected and qualified. In case of death or resignation of one or more of said directors, the vacancy shall be filled by the board, and the directors so appointed shall hold office until the next annual election, at which time a director shall be elected to fill out the unexpired term. Every director shall take and subscribe an oath that he will diligently and honestly per-

Board of directors of banks— members, qualifications, term.

Death or resignation.

Oath required.

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form his duty in such office, and will not knowingly violate or permit a violation of any of the provisions of this act; that he is the owner in good faith of the required number of shares of stock in the bank standing in his name on the books of the bank. Such oaths shall be made in duplicate, one copy of which shall be transmitted to the superintendent of banks and filed in his office, and one copy shall be kept on file in the office of the bank."

Effective immediately.

Section 2. This act shall be in full force and effect after its passage and approval.

Approved March 2, 1957.

CHAPTER 79

An Act to Amend Section 31-125, Replacement Volume No. 3 of the Revised Codes of Montana, 1947, Relating to What Operators and Chauffeurs Must be Licensed; by Adding the Word "Montana" Before the Word "License" in Subsection (a) of This Section; Repealing All Acts and Parts of Acts in Conflict Herewith; by Providing for Effective Date of Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 31-125 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 31-125. **Operators and Chauffeurs Must be Licensed.**

Operator or chauffeur license required.

"(a) No person, except those hereinafter expressly exempted, *under Section 31-126, Revised Codes of Montana, 1947, as amended by Section 1, Chapter 95, Laws of 1955,* shall drive any motor vehicle upon a highway in this state unless such person has a valid *Montana* license as an operator or chauffeur under the provisions of this act. No person shall drive a motor vehicle as a chauffeur unless he holds a valid chauffeur's license. No person shall receive a chauffeur's license unless and until he surrenders to the board any operator's license issued to him or an affidavit that he does not possess an operator's license.

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"(b) Any person holding a valid chauffeur's license hereunder need not procure an operator's license.

"(c) Whenever a city or town requires an operator or chauffeur to obtain a local driving license or permit, such a license or permit shall not be issued unless applicant therefore presents a state driver's license valid under the provisions of this act." Local driving license or permit—prerequisite for.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after July 1, 1957. Effective July 1, 1957.

Approved March 2, 1957.

CHAPTER 80

An Act to Amend Sections 14-501, 14-502, 14-503, 14-504, 14-508, 14-510, 14-516, 14-528 and 14-530 of the Revised Codes of Montana, 1947, Relating to Rural Electric Cooperatives, to Include Within the Provisions of the Rural Electric Cooperative Act Provision for Rural Telephone Cooperative Nonprofit Membership Corporations Organized to Furnish Adequate Telephone Service in Rural Areas, Where no Duplication of Lines, Facilities or Systems Providing Reasonably Adequate Service Will Result; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing When Act Takes Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 14-501, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"14-501. **Act, How Cited.** This act may be cited as the 'rural electric *and telephone* cooperative act'." Act cited.

Section 2. That Section 14-502, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"14-502. **Purpose.** Cooperative, nonprofit, membership corporations may be organized under this act for the *following* purposes: Purposes.

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"*(a) For the purpose* of supplying electric energy and promoting and extending the use thereof in rural areas, in which electrical current and service *are* not otherwise available, from existing facilities and plants;

(b) For the purpose of making generally available in rural areas adequate telephone service through the improvement and expansion of existing telephone facilities and the construction and operation of such additional facilities as are required to assure the availability of such service to the widest practicable number of rural users thereof, provided that nonduplication of lines, facilities or systems providing reasonably adequate service will result therefrom.

Corporations referred to as 'cooperatives".

"Corporations organized under this act and corporations which become subject to this act in the manner hereinafter provided are hereinafter referred to as 'cooperatives'."

Amending clause.

Section 3. That Section 14-503, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Powers.

"14-503. **Powers.** A cooperative shall have power:

"(a) To sue and be sued, in its corporate name;

"(b) To have perpetual existence;

"(c) To adopt a corporate seal and alter the same at pleasure;

"*(d)* To become a member in one or more other cooperatives or corporations or to own stock therein;

"*(e)* To construct, purchase, take, receive, lease as lessee, or otherwise acquire, and to own, hold, use, equip, maintain, and operate, and to sell, assign, transfer, convey, exchange, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber, electric transmission and distribution lines or systems, electric generating plants, electric refrigeration plants, *telephone lines, facilities or systems (but not telegraph or radio broadcasting services or facilities), as defined by law,* lands, buildings, structures, dams, plants and equipment, and any and all kinds or classes of real or personal property whatsoever, which shall be deemed necessary, convenient or appropriate to accomplish the purpose for which the cooperative is organized;

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To purchase or otherwise acquire.

"*(f)* To purchase or otherwise acquire, and to own, hold, use and exercise and to sell, assign, transfer, convey, mortgage, pledge, hypothecate, or otherwise dispose of or encumber, franchises, rights, privileges, licenses, rights of way and easements;

To borrow money and otherwise contract indebtedness.

"*(g)* To borrow money and otherwise contract indebtedness, and to issue notes, bonds and other evidences of indebtedness therefor, and to secure the payment thereof by by mortgage, pledge, deed of trust, or any other encumbrance upon any or all of its then owned or after-acquired real or personal property, assets, franchises, revenues or income;

To construct, maintain and operate.

"*(h)* To construct, maintain and operate electric transmission and distribution lines, *or telephone lines, facilities or systems,* along, upon, under and across all public thoroughfares, including without limitation all roads, highways, streets, alleys, bridges and causeways, and upon, under and across all publicly-owned lands, subject, however to the same requirements in respect of the use of such thoroughfares and lands as are imposed by the respective authorities having jurisdiction thereof upon corporations constructing or operating electric transmission and distribution lines or systems, *or telephone lines, facilities or systems;*

To exercise power of eminent domain.

"*(i)* To exercise the power of eminent domain in the manner provided by the laws of this state for the exercise of that power by corporations constructing or operating electric transmission and distribution lines or systems, *or telephone lines, facilities or systems*;

"*(j)* To conduct its business and exercise any or all of its powers within or without this state;

"*(k)* To adopt, amend and repeal by-laws;

In the case of corporations.

(l) In the case of corporations organized under the provisions of paragraph (a) of Section 14-502, Revised Codes of Montana, 1947, as amended by Section 2 of this act:

"*(1)* To generate, manufacture, purchase, acquire, accumulate and transmit electric energy, and to distribute, sell, supply and dispose of electric energy in rural areas to its members, to governmental agencies and political subdivisions, and to other persons not in excess of ten per centum (10%) of the number of its members;

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To make loans.

"*(2)* To make loans to persons to whom electric energy is or will be supplied by the cooperative for the purpose of, and otherwise to assist such persons in, wiring their premises and installing therein electrical and plumbing fixtures, appliances, apparatus and equipment of any and all kinds and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such electrical and plumbing fixtures, appliances, apparatus and equipment, and to accept, or otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate and otherwise dispose of notes, bonds and other evidences of indebtedness and any and all types of security therefor;

"*(3)* To make loans to persons to whom electric energy is or will be supplied by the cooperatives for the purpose of, and otherwise to assist such persons in, constructing, maintaining and operating electric refrigeration plants.

(m) In the case of corporations organized under the provisions of paragraph (b) of Section 14-502, Revised Codes of Montana, 1947, as amended by Section 2 of this act:

To improve and expand existing facilities.

(1) To improve and expand existing telephone lines, facilities and systems in rural areas and to construct, acquire, operate and furnish such additional telephone lines, facilities, and systems, as are required to assure the availability of adequate telephone service to the widest practicable number of rural users thereof, provided that no duplication of lines, facilities or systems providing reasonably adequate service will result therefrom.

To make loans to whom telephone service is supplied.

(2) To make loans to persons to whom telephone service is or will be supplied by the cooperative for the purpose of, and otherwise to assist such persons in, wiring their premises for telephone service, and installing therein telephone fixtures, appliances, apparatus and equipment of any and all kinds and character, and in connection therewith, to purchase, acquire, lease, sell, distribute, install and repair such telephone fixtures, appliances, apparatus and equipment, and to accept, or otherwise acquire, and to sell, assign, transfer, endorse, pledge, hypothecate, and otherwise dispose of notes, bonds and other evidences of indebtedness and any and all types of security therefor;

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"*(n)* To do and perform any and all other acts and things, and to have and exercise any and all other powers which may be necessary, convenient or appropriate to accomplish the purpose for which the cooperative is organized."

Amending clause.

Section 4. That Section 14-504, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Name of cooperatives to include the words "electric" or "telephone" and "cooperative".

"14-504. **Name.** The name of each cooperative shall include the words 'electric' *or 'telephone'* and 'cooperative,' and the abbreviation 'inc.,' provided, however, such limitations shall not apply if, in an affidavit made by the president or vice-president of a cooperative and filed with the secretary of state, it shall appear that the cooperative desires to transact business in another state and is precluded therefrom by reason of its name. The name of a cooperative shall distinguish it from the name of any other corporation organized under the laws of, or authorized to transact business in, this state. The words 'electric' *or 'telephone'* and 'cooperative' shall not both be used in the name of any corporation organized under the laws of, or authorized to transact business in, this state, except a cooperative or a corporation transacting business in this state pursuant to the provisions of this act."

Amending clause.

Section 5. That Section 14-508, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Members of cooperatives.

"14-508. **Members.** (a) No person who is not an incorporator shall become a member of a cooperative unless such person shall agree to use electric energy *or telephone service* furnished by the cooperative when such electric energy *or telephone service* shall be available through its facilities. The by-laws may provide that any person, including an incorporator, shall cease to be a member of a cooperative if he shall fail or refuse to use electric energy *or telephone service* made available by the cooperative or if electric energy *or telephone service* shall not be made available to such person by the cooperative within a specified time after such person shall have become a member thereof. Membership in the cooperative shall not be transferable, except as provided in the by-laws. The by-laws may prescribe additional qualifications and limitations in respect *to* membership.

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Annual meeting.

"(b) An annual meeting of the members shall be held at such time as shall be provided in the by-laws.

Special meetings.

"(c) Special meetings of the members may be called by the board of trustees, by any three trustees, by not less than ten per centum (10%) of the members, or by the president.

Place.

"(d) Meetings of the members shall be held at such place as may be provided in the by-laws. In the absence of any such provision, all meetings shall be held in the city or town in which the principal office of the cooperative is located.

Notice.

"(e) Except as hereinafter otherwise provided, written or printed notice stating the time and place of each meeting of members, and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be given to each member, either personally or by mail, not less than ten (10) nor more than twenty-five (25) days before the date of the meeting.

Quorum.

"(f) Five per centum (5%) of all members present in person shall constitute a quorum for the transaction of business at all meetings of the members, but the by-laws may prescribe the presence of a greater percentage of the members for a quorum. If less than a quorum is present at any meeting, a majority of those present in person may adjourn the meeting from time to time without further notice.

Voting.

"(g) Each member shall be entitled to one vote on each matter submitted to a vote at a meeting. Voting shall be in person, but, if the by-laws so provide, may also be by proxy or by mail, or both. If the by-laws provide for voting by proxy or by mail, they shall also prescribe the conditions under which proxy or mail voting or both shall be exercised. In any event, no person shall vote as a proxy for more than three (3) members at any meeting of the members."

Amending clause.

Section 6. That Section 14-510, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Voting districts provided for.

"14-510. **Voting Districts.** Notwithstanding any other provisions of this act, the by-laws may provide that the territory in which a cooperative supplies electric energy *or telephone service* to its members shall be divided into

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two or more voting districts and that in respect *to* each such voting district (1) a designated number of trustees shall be elected by the members residing therein, or (2) a designated number of delegates shall be elected by the members residing therein, or (3) both such trustees and delegates shall be elected by such members. In any such case the by-laws shall prescribe the manner in which such voting districts and the members thereof, and the delegates and trustees, if any, elected therefrom shall function and the powers of the delegates, which may include the power to elect trustees. No member at any voting district meeting and no delegate at any meeting shall vote by proxy or by mail."

Amending clause.

Section 7. That Section 14-516, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Conversion of existing corporations.

"14-516. **Conversion of Existing Corporations.** Any corporation organized under the laws of this state for the purpose, among others, of supplying electric energy *or telephone service* in rural areas may become subject to this act with the same effect as if originally organized under this act by complying with the following requirements:

Requirements for conversion.

"(a) The proposition for the conversion of such corporation into a cooperative *under this act* and proposed articles of conversion to give effect thereto shall be first approved by the board of trustees or the board of directors, as the case may be, of such corporation. The proposed articles of conversion shall recite in the caption that they are executed pursuant to this act and shall state: (1) the name of the corporation prior to its conversion into a cooperative *under this act*; (2) the address of the principal office of such corporation; (3) the date of the filing of its articles of incorporation in the office of the secretary of state; (4) the statute or statutes under which such corporation was organized; (5) the name assumed by such corporation; (6) a statement that such corporation elects to become a cooperative, non-profit, membership corporation subject to this act; (7) the manner and basis of converting either memberships in or shares of stock of such corporation into memberships therein after completion of the conversion; and (8) any provisions not inconsistent with this act deemed necessary or advisable for the conduct of its business and affairs;

Articles of conversion.

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Vote of members or stockholders required for conversion.

"(b) The proposition for the conversion of such corporation into a cooperative *under this act* and the proposed articles of conversion approved by the board of trustees or board of directors, as the case may be, of such corporation shall then be submitted to a vote of the members or stockholders, as the case may be, of such corporation at any duly held annual or special meeting thereof, the notice of which shall set forth full particulars concerning the proposed conversion. The proposition for the conversion of such corporation into a cooperative *under this act* and the proposed articles of conversion, with such amendments thereto as the members or stockholders of such corporation shall choose to make therein, shall be deemed to be approved upon the affirmative vote of not less than two-thirds of those members of such corporation voting thereon at such meeting, or, if such corporation is a stock corporation, upon the affirmative vote of the holders of not less than two-thirds of the capital stock of such corporation represented at such meeting;

"(c) Upon such approval by the members or stockholders of such corporation, articles of conversion in the form approved by such members or stockholders of such corporation shall be executed and acknowledged on behalf of such corporation by its president or vice-president and its corporate seal shall be affixed thereto and attested by its secretary or assistant secretary. The president or vice-president executing such articles of conversion on behalf of such corporation shall also make and annex thereto an affidavit stating that the provisions of this section with respect to the approval of its trustees or directors and its members or stockholders, of the proposition for the conversion of such corporation into a cooperative *under this act* and such articles of conversion were duly complied with. Such articles of conversion and affidavit shall be submitted to the secretary of state for filing as provided in this act; and

Affidavit to be filed with secretary of state.

"Articles of incorporation" to include articles of conversion.

"(d) The term 'articles of incorporation' as used in this act shall be deemed to include the articles of conversion of a converted corporation."

Amending clause.

Section 8. That Section 14-528, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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"14-528. **Exemption from Excise Taxes—License Fee.** Cooperatives and foreign corporations, transacting business in this state pursuant to the provisions of this act, shall pay annually, on or before the first day of July, to the secretary of state, a fee of ten dollars ($10.00) for each one hundred (100) persons or fractions thereof to whom electricty *or telephone service* is supplied within the state, but shall be exempt from all other excise and income taxes of whatsoever kind or nature." License fee. Exemption from excise and income taxes.

Section 9. That Section 14-530, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"14-530. **Definitions.** In this act, unless the context otherwise requires: Definitions.

"(a) 'Rural area' *as applied to all corporations organized under the provisions of paragraph (a) of Section 14-502, Revised Codes of Montana, 1947, as amended by Section 2 of this act,* means any area not included within the boundaries of any incorporated or unincorporated city, town, village or borough having a population in excess of thirty-five hundred (3500) persons at the time of the passage and approval of chapter 172, Session Laws of Montana, 1939, or subsequent thereto*; 'rural area' as applied to all corporations organized under the provisions of paragraph (b) of Section 14-502, Revised Codes of Montana, 1947, as amended by Section 2 of this act, means any area not included within the boundaries of any incorporated or unincorporated city or town having a population in excess of fifteen hundred (1500) persons.* "Rural area."

"(b) 'Person' includes any natural person, firm, association, corporation, business trust, partnership, federal agency, state or political subdivision or agency thereof or any body politic; and "Person".

"(c) 'Member' means each incorporator of a cooperative and each person admitted to and retaining membership therein, and shall include a husband and wife admitted to joint membership." "Member".

Section 10. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 11. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 2, 1957.

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CHAPTER 81

An Act to Amend Section 140 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to Brakes; by Providing That Vehicles With Three (3) or More Axles Shall Have Brakes on Wheels of at Least Two (2) Axles; by Providing That All Acts or Parts of Acts In Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 140 of Chapter 263 of the Session Laws of the thirty-fourth legislative assembly of Montana, 1955, be, and the same is hereby amended to read as follows:

Brake equipment required on motor vehicles.

"Section 140. **Brakes.** (a) Brake equipment required.

"1. Every motor vehicle, other than a motorcycle or motor-driven cycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two (2) separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two (2) wheels. If these two (2) separate means of applying the brakes are connected in any way, they shall be so constructed that failure of any one (1) part of the operating mechanism shall not leave the motor vehicle without brakes on at least two (2) wheels.

Motorcycles.

"2. Every motorcycle and every motor-driven cycle, when operated upon a highway, shall be equipped with at least one (1) brake which may be operated by hand or foot.

Trailers, semi-trailers.

"3. Every trailer or semitrailer of a gross weight of three thousand (3,000) pounds or more when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and to hold such vehicle and so designed as to be applied by the driver of the towing motor vehicle from its cab, and said brakes shall be so designed and connected that in case of an accidental breakaway of the towed vehicle the brakes shall be automatically applied.

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"4. Every new motor vehicle, trailer, or semitrailer hereafter sold in this state and operated upon the highways shall be equipped with service brakes upon all wheels of every such vehicle, *except that any vehicle having three (3) or more axles shall have brakes on the wheels of at least two (2) axles, and* except any motorcycle or motor-driven cycle, *or* any semitrailer of less than one thousand five hundred (1,500) pounds gross weight need not be equipped with brakes.

New vehicles—all wheel brakes required—exception.

"5. One of the means of brake operation shall consist of a mechanical connection from the operating lever to the brake shoes or bands and this brake shall be capable of holding the vehicle, or combination of vehicles, stationary under any condition of loading on any upgrade or down grade upon which it is operated.

Emergency brake required.

"6. The brake shoes operating within or upon the drums on the vehicle wheels of any motor vehicle may be used for both service and hand operation.

Brake shoes may be used for service and hand operation.

"(b) **Performance Ability of Brakes.** Every motor vehicle or combination of vehicles at all times and under all conditions of loading shall, upon application of the service (foot) brake, be capable of decelerating and developing a braking force equivalent to such deceleration according to the minimum requirements set forth herein, and also of stopping within the distances set forth herein:

Brake performance standards.

	Stopping distance in feet	Deceleration in feet per second per second	Equivalent braking force in percentage of vehicle or combination weight
Passenger vehicles not including busses:	25	17	53.0%
Single-unit vehicles with a manufacturer's gross vehicle weight rating of less than 10,000 pounds:	30	14	43.5%
Single-unit, 2-axle vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or more:	40	14	43.5%

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All other vehicles and combinations with a manufacturer's gross vehicle weight rating of 10,000 or more pounds:	50	14	43.5%

Compliance—how determined.

"Compliance with standards set forth herein shall be determined either (1) by actual road tests conducted on a substantially level (not to exceed a plus or minus one per cent *(1%)* grade), dry, smooth, hard-surfaced road that is free from loose material, and with stopping distances measured from the actual instant braking controls are moved and from an initial speed of twenty (20) miles per hour, or else (2) by suitable mechanical tests in a testing lane which recreates such same conditions, or (3) by a combination of both methods.

Stopping distance—how measured.

"Stopping distance shall be measured from the instant braking controls are moved and from an initial speed of twenty (20) miles per hour."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1957.

CHAPTER 82

An Act to Amend Sections 16-2723 and 25-226 of the Revised Codes of Montana, 1947, Relating to Mileage and Expenses of Sheriffs; Containing a Repealing Clause and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 16-2723 of the Revised Codes of the State of Montana, 1947, be, and the same is hereby amended to read as follows:

Mileage and expenses of sheriffs.

"Section 16-2723. (4885) **Mileage and Expense of Sheriff.** Sheriffs delivering prisoners at the state prison or at the state reform school, or insane persons at the state insane asylum, shall receive actual expenses necessarily incurred in their transportation, which shall include the expenses of the sheriff in going and returning from such institution. They shall take vouchers for every item of

Vouchers.

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expenses incurred by them in such transportation, the amount of which expenses, as shown by the said vouchers when served by said sheriff, shall be audited and allowed by the state board of examiners or by the board of county commissioners, as the case may be, and paid out of the same money and in the same manner as are other expense claims against the state or counties, and no other or further compensation shall be received by sheriffs for such expenses, provided that in determining the actual expense, if travel be by a privately owned vehicle, the mileage rate shall be allowed as herein provided. While in the discharge of his duties, both civil and criminal, the sheriff shall receive *eleven* cents *(11c)* per mile for each and every mile actually and necessarily traveled; and for transporting any person by order of court, except as hereinbefore provided, he shall receive *eleven* cents *(11c)* additional per mile, the same to be in full for transporting and dieting of such person during such transportation; provided that where more than one person is transported by the sheriff or when one or more papers are served on the same trip made for the transportation of one or more prisoners, but one mileage shall be charged. The county shall not be liable for, nor shall the board of county commissioners pay any claim of the sheriff or other officer, for any other expense incurred in travel or for subsistence, in cases where mileage is allowed under this section; the fees for mileage named in this section being in full for all such traveling expenses in both civil and criminal work."

County not liable for other expenses where mileage allowed under the act.

Section 2. That Section 25-226 of the Revised Codes of Montana, 1947, as amended by Section 2, Chapter 59 of the laws of the thirty-first legislative assembly of 1949, relating to fees of sheriff be amended to read as follows:

Amending clause.

"Section 25-226. (4916) **Fees for Sheriff.** (1) For the service of summons and complaint on each defendant, one dollar ($1.00);

Fees for sheriff. Summons and complaint.

"For levying and serving each writ of attachment of execution on real property or personal property, one dollar ($1.00);

Writ of attachment—property.

"For service of attachment on the body or order of arrest on each defendant, one dollar ($1.00);

Writ of attachment—body.

"For the service of affidavit, order, and undertaking in claim and delivery, one dollar ($1.00);

Affidavit, order, undertaking.

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Subpoena.

"For serving a subpoena, twenty-five cents (25c) for each witness summoned;

Writ of possession or restitution.

"For serving writ of possession or restitution, two dollars ($2.00);

Trial of right of property or damages.

"For trial of the right of property or damages, including all services except mileage, three dollars ($3.00);

Taking bond or undertaking.

"For taking bond or undertaking in any case authorized by law, one dollar ($1.00);

Notice, rule, or order.

"For serving every notice, rule or order, one dollar ($1.00), for each person served;

Copy of any writ, process or other paper required.

"For copy of any writ, process or other paper when demanded or required by law, twenty cents (20c) for each folio;

For advertising property for sale.

"For advertising any property for sale on execution or under any judgment or order of sale, exclusive of cost of publication, one dollar ($1.00);

For taking and keeping attached property.

"(2) For the expense in taking and keeping possession of and preserving property under attachment, execution or other process, such sum as the court or judge may order, not to exceed the actual expense incurred and no keeper must receive to exceed five dollars ($5.00) per day and no keeper must be employed without an order of court, nor must he be so employed unless the property is of such character as to need the personal attention and supervision of a keeper. No property shall be placed in charge of a keeper if it can be safely and securely stored, or where there is no reasonable danger of loss.

Mileage in addition to fees.

"(3) In addition to the fees above specified, the sheriff shall receive for each mile actually traveled, in serving any writ, process, order or other paper, including a warrant of arrest, or in conveying a person under arrest before a magistrate or to jail, only his actual expenses when such travel is made by railroad, and when travel is other than by railroad, he shall receive *eleven* cents *(11c)* per mile for each mile actually traveled by him both going and returning, and the actual expenses incurred by him in conveying a person under arrest before a magistrate or to jail, and he shall receive the same mileage and his actual expenses for the person conveyed or transported under order of court within the county, the same to be in full pay-

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ment for transporting and dieting such persons during such transportation; provided that where more than one person is transported by the sheriff or when one or more papers are served on the same trip made for the transportation of one or more prisoners, but one mileage shall be charged.

Act not applicable in certain cases.

"(4) Provided further, that this act shall not apply to the delivery of prisoners at the state prison or at the reform school, or insane persons to the state insane asylum, for which he shall receive the actual expense incurred as provided by Section 16-2723 of this code. Nor shall this act apply to trips made for the return of fugitives apprehended and arrested outside the county for which the sheriff shall receive the actual necessary expenses incurred in going for and returning with such fugitive, provided that in determining the actual expense, if travel be by a privately owned vehicle, the mileage rate shall be allowed as herein provided. But no mileage must be allowed on an attachment, order of arrest, order for delivery of personal property, or any other order, notice or paper, when the same accompanies the summons, and the service thereof may be made at the time of the service of the summons, unless for the distance actually traveled beyond that required to serve the summons. When two or more papers are served on the same person at the same time, or when any paper or papers are served on more than one person on the same trip, but one mileage must be allowed or charged, and in the service of subpoenas, but one mileage must be charged when the persons named therein live in the same place or in the same direction, but mileage must be charged for the longest distance actually traveled. Any writ, order or other paper for service, must be received at any place in the county where a sheriff or a deputy is found, and mileage must be computed from such place, but if papers are delivered for service away from the county seat, all necessary copies thereof must be furnished for service. When two or more officers travel in the same automobile in the discharge of any duty but one mileage shall be allowed."

One mileage only, when.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 4. This act shall take effect and be in full force from and after its passage and approval.

Approved March 2, 1957.

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CHAPTER 83

An Act Making It a Misdemeanor for Any Person to Wilfully Use or Operate Any Aircraft, or Wilfully Interfere or Tamper with Any Aircraft, or Wilfully Put Into Operation the Engine of Any Aircraft, Without the Consent of the Owner; Providing a Penalty for Such Offense; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Unlawful to operate, interfere or tamper with aircraft without consent of owner—misdemeanor.

Section 1. Every person who shall wilfully operate or use any aircraft without the consent of the owner, or who shall wilfully interfere or tamper with any aircraft without the consent of the owner, or who shall wilfully put into operation the engine of any aircraft without the consent of the owner, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not more than six (6) months or by a fine of not more than five hundred dollars ($500.00) or by both such fine and imprisonment.

Penalty.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1957.

CHAPTER 84

An Act to Amend Section 90-131 of the Revised Codes of Montana, 1947, Relating to Inspection of Scales by the State Sealer of Weights and Measures and Penalty for Person or Persons Reporting False or Untrue Weights; Providing That the State Sealer of Weights and Measures Shall Have Power to Determine Whether Any Petroleum Measuring Device is Defective or Inefficient and Shall Have Power to Condemn Same; Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 90-131 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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Inspection and control of track scales— state sealer.

"90-131. (4245) **Inspection of Track Scales for Weighing in Carload Lots — Scale Platforms — Penalty for Short Weights.** (a) All track scales used for the purpose of weighing freight in carload lots within the state shall be under the control and direction and jurisdiction of the state sealer of weights and measures, and subject to inspection by him, or his deputies.

Power to determine if any petroleum measuring device or scales are defective or insufficient, methods of using same.

"(b) The state sealer of weights and measures, or his deputies, shall have power either on their own motion or on complaint being made, to determine whether any *petroleum measuring device or* scales are defective or inefficient, or whether the time, manner, or method of using same is unreasonable, ineffective, or unjust, and shall have power to condemn any *petroleum measuring device or* scales found to be defective or inefficient, and prohibit the use of the same while in that condition, and to render such decision and to make such order, rule, or regulation as may be deemed necessary or advisable. No scale platform shall be allowed to extend over the manufacturer's specifications.

To condemn.

Misdemeanor to make or give false or short weight or measure.

"(c) Any person or persons who shall sell, or direct or permit any person or persons in his or their employ to sell any commodity or article of merchandise and make or give any false or short weight or measure, or any person or persons owning or keeping, or having charge of any scales or steelyards for the purpose of weighing livestock, hay, grain, coal, or other articles, who shall report any false or untrue weight, whereby any other person or persons may be defrauded or injured, shall be deemed guilty of a misdemeanor, and shall be answerable to the party defrauded or injured in double damages."

Double damages.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1957.

CHAPTER 85

An Act to Amend Section 3-202 of the Revised Codes of Montana, 1947, as Amended by Chapter 89, Laws of Montana, 1953, Relating to Fees to be Paid to State Sealer of Weights and Measures; to Increase the Amounts of Certain Fees; Providing for Additional

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Charge if Payment is Not Made Within 30 Days After Inspection; Providing for Penalty; and Repealing All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 3-202 of the Revised Codes of Montana, 1947, as amended by Chapter 89 of the Laws of Montana, 1953, be, and is hereby amended to read as follows:

Fees to be paid state sealer of weights and measures.

"Section 3-202. (3575.2) **Fees to be Paid to State Sealer of Weights and Measures.** It shall be the duty of each person, firm, co-partnership, or corporation owning or in possesison of a scale or scales to pay to the state sealer of weights and measures or his deputies at the time of each inspection of such scale or scales, the following inspection fees: For each railroad track scale the sum of *fifteen ($15.00) dollars;* grain shipping hopper scale with a capacity of forty thousand (40,000) pounds or over, twenty-five ($25.00) dollars; wagon scale, truck scale, coal scale, dump scale, automatic or hopper shipping scale, beet scale, and stock scale, up to and including ten (10) ton capacity, eight ($8.00) dollars, over ten (10) ton up to and including *twenty (20)* ton capacity, twelve ($12.00) dollars, two-section *scale with a capacity over twenty (20)* ton, twenty ($20.00) dollars; three (3) or more section *twenty (20)* ton *and* over capacity, twenty-five ($25.00) dollars; for each dormant platform scale *up to thirty-five hundred (3500) pounds,* meat track scale and dial scale with a capacity of five hundred (500) pounds to one thousand (1,000) pounds, two ($2.00) dollars; *built-in warehouse scales with a capacity from thirty-five hundred (3500) pounds to ten thousand (10,000) pounds capacity, five ($5.00) dollars;* each portable scale, hanging scale and commercial person weighing scale, *two ($2.00)* dollars; grain testers and other small scales used for weighing and testing grain in grain elevators, or warehouses, fifty (50¢) cents; all counter scales with a capacity of one (1) to ten (10) pounds, fifty (50¢) cents; all counter scales with a capacity of over ten (10) pounds, one dollar and twenty-five cents ($1.25)."

Additional charge authorized.

Where fees are not paid within thirty (30) days after inspection, there shall be an added charge of fifty per-

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cent (50%) of the inspection fee and the equipment will be sealed and removed from service by the sealer of weights and measures or his deputies, until such fees have been paid.

Use before fees paid—misdemeanor.

Anyone found using a weighing device or petroleum measuring device or removing the said seal before all inspection fees have been paid, shall upon conviction, be deemed guilty of a misdemeanor and shall be subject to a fine of not less than ten ($10.00) dollars nor more than one hundred ($100.00) dollars.

Penalty.

State sealer to fix fees not scheduled.

"The sealer of weights and measures, shall by proper regulation, fix inspection fees for any scales, weights, measures, weighing and computing devices and for special services not covered by the foregoing schedule of fees."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 2, 1957.

CHAPTER 86

An Act to Amend Section 71-308, Revised Codes of Montana, 1947, as Amended by Chapter 199, Laws of 1951, and as Amended by Chapter 57, Laws of 1955, Relating to the Provision of Medical Aid for Persons Unable to Provide it for Themselves; Relating to the Rate of Compensation for County Physicians Who Provide Such Medical Attendance; and Providing for Arrangements for Burial of Indigents; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 71-308, Revised Codes of Montana, 1947, as amended by Chapter 199, Laws of 1951, and as amended by Chapter 57, Laws of 1955, be, and the same is hereby amended to read as follows:

Medical aid and hospitalization responsibility of county poor fund.

"71-308. **Medical Aid and Hospitalization.** Medical aid and hospitalization for persons unable to provide such necessities for themselves are hereby declared to be the legal and financial duty and responsibility of the board of county commissioners, payable from the county poor fund. It shall be the duty of the board of

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county commissioners to make provisions for competent and skilled medical or surgical services as approved by the state board of health or the state medical association, or in the case of osteopathic practitioners by the state osteopathic association or chiropractors by the state chiropractic association, or optometrical services as approved by the Montana optometric association, and dental services as approved by the dental association. 'Medical' or 'medicine' as used in this act refers to the healing art as practiced by licensed practitioners.

"Medical" or "medicine" defined.

Transient automobile cases, reimbursement to county.

"In automobile accident cases wherein transients traveling through the State of Montana are injured, medical aid and hospitalization shall be paid for by the county wherein the accident occurred and the department of public welfare shall reimburse such county in full upon proper claim being made to the department of public welfare; provided, further, that in all other accident cases wherein such transients are injured, medical aid and hospitalization shall be paid for by the county wherein the accident occurred and the department of public welfare shall reimburse such county for one-half of such medical aid and hospitalization paid by such county, upon proper claim being made to the department of public welfare.

Proviso, other transient cases, one-half reimbursement to county.

County physicians, deputy county physicians.

"The board, in arranging for medical care for those unable to provide it for themselves, may have the care provided by the physicians appointed by such board who shall be known as county physicians or deputy county physicians, and may fix a rate of compensation for the furnishing of such medical attendance.

Burial.

"The board of county commissioners shall have the responsibility of making suitable arrangements to provide respectable burial for those for whom such expenses are not otherwise available."

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1957.

CHAPTER 87

An Act to Amend Sections 46-2102 and 46-2104, Revised Codes of Montana, 1947, Relating to the Protection of

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Sheep Against Depredations Peculiar Thereto, and to the Establishment of a Predatory Animal Control Program to Secure Such Protection on Petition of Resident Sheep Owners; and Relating to the Maximum License Fee Per Head of Sheep Which May be Levied by the Board of County Commissioners of Any County in Which Such a Program is, or Hereafter May be Established; Authorizing a Fee of Not Exceeding Ten Cents (10¢) Per Head of Sheep, and Providing for Levy Therefor by Such Board, Entry Thereof on the Tax Rolls by County Assessors, and the Collection of the Fee by the County Treasurers; Requiring Any Such Board to Give Preference to Recommendations Made by Organized Associations of Sheep Growers in the County; Fixing the Time for Filing a Petition for Establishment of Such a Program; and Prescribing That the License Fee Determined Shall Continue From Year to Year Unless (A) The Program is Discontinued, (B) The License Fee is Increased, Always Within the Maximum Limit Stated, or (C) Decreased Under the Fee Theretofore Determined; Providing for an Effective Date; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 46-2102, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

County commissioners may require per capita license fee on sheep.

"46-2102. **County Commissioners May Require Per Capita License Fee on Sheep.** To defray the expense of such protection the board of county commissioners of any county shall have the power to require all owners or persons in possession of any sheep, *coming* one year old or over, in the county on the *regular assessment date of* each year to pay a license fee of not exceeding *ten cents (10¢)* per head of sheep so owned or possessed by him in the county; *provided that all owners or persons in possession of any sheep, coming one year old or over, coming into the county after the regular assessment date and subject to taxation under the provisions of Section 84-6008 shall also be subject to payment of the license fee herein prescribed.* Upon the order of the board of county commissioners such license fees may be imposed by the entry thereof in the name of the licensee upon the prop-

Fee, maximum.

Fee applicable to sheep coming into county after assessment date.

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Lien upon real and personal property when levied.

erty tax rolls of the county by the county assessor. *Said license fees* shall be payable to and collected by the county treasurer, and when so levied, shall be a lien upon the property, *both real and personal of the licensee. In case the person against whom said license fee is levied owns no real estate against which said license fee is or may become a lien, then said license fee shall be payable immediately upon its levy and the treasurer shall collect the same in the manner provided by law for the collection of personal property taxes which are not a lien upon real estate.* When collected, said fees shall be placed by the treasurer in the predatory animal control fund and the moneys in said fund shall be expended on order of the board of county commissioners of the county for predatory animal control only. *The word 'owners' or 'persons' shall include natural persons, co-partnerships, corporations, trusts and estates."*

Collection.

Fees to be used for predatory animal control.

"Owners" or "persons" defined.

Amending clause.

Section 2. That Section 46-2104, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"46-2104. **Duty of County Commissioners — Petition of Sheep Owners.** In conducting a predatory animal control program, the board of county commissioners shall give preference to recommendations for such program and its incidents as made by organized associations of sheep growers in the county. Upon petition of the *resident* owners of at least fifty-one percent (51%) of the sheep in the county, as shown by the assessment rolls of the last preceding assessment, which petition shall be filed with the board of county commissioners on or before the first *Monday in December* in any year, such board shall establish the predatory animal control program, and cause said licenses to be secured and issued and the fees collected for *the following* year in such amount, not exceeding the limits of *ten cents (10¢)* per head of sheep as shown by said assessment rolls, as will defray the cost of administering the program so established. The license fee determined and set by the board, within said limits, shall remain in full force and effect from year to year without change, unless there is filed with the board a petition subscribed by the *resident* owners of at least fifty-one percent (51%) of the sheep in the county, as shown by the assessment rolls of the last assessment preceding the filing of the petition, for *termination*

Preference for program.

Petition to establish predatory animal control program.

Term of fee.

Petition required for termination of program and fee.

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of the program and repeal of the license fee, in which event the program shall by order of the board of county commissioners be disestablished and the license fee shall not be further levied. If the resident owners of at least fifty-one percent (51%) of the sheep in the county either (a) petition for an increase in the license fee, subject always to the maximum limitation of ten cents (10¢) per head of sheep, or (b) petition for a decrease in the license fee then in force, the board of county commissioners shall upon receipt of any such petition fix a new license fee to continue from year to year and the program shall *thereupon* continue within the limits of the aggregate amount of the license fee as collected from year to year."

Petition for increase in fees.

Petition for decrease in fees.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 4, 1957.

CHAPTER 88

An Act to Amend Section 84-301, Revised Codes of Montana, 1947, Relating to Classification of Property for Taxation, to Include Property of Rural Telephone Associations With Property of Rural Electrical Associations, and Deleting Property in Class 6, and Containing a Repealing Clause, and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 84-301, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"84-301. (1999) **Classification of Property for Taxation.** For the purpose of taxation the taxable property in the state shall be classified as follows:

Classification of property for taxation.

"Class One. The annual net proceeds of all mines and mining claims, after deducting only the expenses specified and allowed by section 84-5403; also where the right to enter upon land, to explore or prospect, or dig for oil, gas, coal or mineral is reserved in land by

Class one, mine and mining claims, right to enter land.

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any person or corporation, the surface title to which has passed to another, the assessor and the state and county boards of equalization shall determine the value of the right to enter upon said tract of land for the purpose of digging, exploring, or prospecting for gas, oil, coal or minerals, and the same shall be placed in this classification for the purpose of taxation.

Class two, household goods, furniture, personal property.

"Class Two. All household goods and furniture, including clocks, musical instruments, sewing machines, wearing apparel of members of the family, and all personal property actually used by the owner for personal and domestic purposes, or for the furnishing or equipment of the family residence; all agricultural and other tools, implements and machinery, gas and other engines and boilers, threshing machines and outfits used therewith, automobiles, motor trucks and other power-driven cars, vehicles of all kinds, boats and all water craft, harness, saddlery and robes.

Class three, livestock, poultry and products.

"Class Three. Livestock, poultry and the unprocessed products of both; stocks of merchandise of all sorts, together with furniture and fixtures used therewith; and all office or hotel furniture and fixtures.

Class four, land.

"Class Four. All land, town and city lots, with improvements, manufacturing and mining machinery, fixtures and supplies, except as otherwise provided by the constitution of Montana, and except as such property may be included in Class Five.

Class five, moneys and credits.

"Class Five. (a) All moneys and credits, secured or unsecured, including all state, county, school district and other municipal bonds, warrants and securities, without any deduction or offset; provided, however, that the terms 'moneys and credits' as herein used shall not embrace the moneyed capital employed in the banking business by any banking corporation or individual in this state.

Electrical and telephone equipment and property.

"(b) All poles, lines, transformers, transformer stations, meters, tools, improvements, machinery and other property used and owned by co-operative rural electrical *and co-operative rural telephone* associations organized under the laws of Montana.

Unprocessed agricultural products.

"(c) All unprocessed agricultural products either on the farm or in storage, irrespective of whether said pro-

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ducts are owned by the elevator, warehouse or flour mill owner or company storing the same, or any other person whomsoever, and excepting livestock and poultry and the unprocessed products of both.

Class six, now in Section 84-308, R.C.M., 1947.

"Class Six. *Property formerly included in this class is now classified by Section 84-308 of the Revised Codes of Montana, 1947.*

Class seven, all other property not included in above classes.

"Class Seven. All property not included in the six preceding classes."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 4, 1957.

CHAPTER 89

An Act to Amend Section 90-129 of the Revised Codes of Montana, 1947, as Amended by Chapter 158, Laws of Montana, 1953, as Amended by Chapter 131, Laws of Montana, 1955, Relating to Inspection of Weighing and Measuring Devices, and Providing a Penalty for Violation of its Provisions, and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 90-129 of the Revised Codes of Montana, 1947, amended by Chapter 158, Laws of 1953, as amended by Chapter 131, Laws of Montana, 1955, be, and the same is amended to read as follows:

Authority to inspect weighing and measuring devices.

"90-129. (4243) **Authority to Inspect Weighing and Measuring Devices and Penalty for Tampering with Seal.** The state sealer of weights and measures, or his deputies shall have power to inspect, test, try and ascertain if they are correct, all weights, scales, beams, measures of any kind, instruments or mechanical devices for measurement, and the tools, appliances, or accessories connected with any and all of such instruments or measurements, used, kept for use, sold, offered for sale, or kept for sale, or employed within the state by a proprietor,

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agent, lessee or employee in determining the size, quantity, extent, area or measurement of quantities, things, produce, articles for distribution or consumption, offered or submitted by such persons for sale, hire, or award. Provided also, that the state sealer of weights and measures, or his deputies, shall at least once a year and as often as may be deemed necessary, try and prove all computing scales and other devices having a device for indicating or registering the price as well as the weight of the commodity offered for sale. Computing devices, which may be used by any person at any place within this state, shall be tested as to the correctness of both weight and arithmetical values indicated by them.

Authority over petroleum products measures.

"The state sealer of weights and measures, or his deputies shall have in addition to the above-mentioned powers, the power to inspect and classify all meters, measuring, gauging or testing devices and apparatus used in connection with the wholesale and retail distribution of petroleum and petroleum products, and may prescribe suitable standards of accuracy for such meters and measuring devices, conformable to the standards fixed by the United States bureau of standards for such devices.

Unlawful to remove state seal.

"It shall be unlawful to remove any state seal or rejection notice placed on the adjustment of any gasoline pump, meter, or petroleum measuring device and scale such as, but not limited to, retail pumps, wholesale meters, tank markers and measuring cans, except by repairmen certified by the state sealer of weights and measures, *or where they have received a temporary permit from the department of agriculture.* Any person found guilty of violating this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than *twenty-five* dollars *($25.00)* nor more than *one hundred* dollars *($100.00).*"

Penalty.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1957.

CHAPTER 90

An Act to Amend Section 90-146, Revised Codes of Montana, 1947, Relating to Penalty for Obstructing State

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Sealer of Weights and Measures; Making it a Misdemeanor to Neglect or Refuse to Produce for the State Sealer of Weights and Measures, All Weights, Measures, Balances or Petroleum Measuring Devices and Providing a Penalty for Violation Thereof; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 90-146 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Penalty for obstructing sealer.

"90-146. (4260) **Penalty for Obstructing Sealer.** Any person who neglects or refuses to produce for the state sealer of weights and measures, or his deputies, all weights, measures, balances *or petroleum measuring devices* in his possession and used in trade, or on his premises, or refuses to permit the said officers to examine the same, or obstructs the entry of said officers, or otherwise obstructs or hinders any official under this law shall be guilty of a misdemeanor *and shall be subject to a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00).*"

Misdemeanor.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1957.

CHAPTER 91

An Act to Amend Section 93-302, Revised Codes of Montana, 1947, as Amended by Chapter 18 of the Laws of 1955, Relating to the Number of Judges in Each of the Judicial Districts; Providing for Two Judges in the Eleventh Judicial District; Providing for the Appointment of a Second Judge for Said District; Providing for Elections Thereafter; Providing for the Repeal of All Laws in Conflict Herewith; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 93-302, Revised Codes of Montana, 1947, as amended, be, and the same is hereby amended to read as follows:

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Number of district judges.

"93-302. (8813) **Number of Judges.** In each judicial district there must be the following number of judges of the district court, who must be elected by the qualified voters of the district, and whose term of office must be four (4) years, to wit: In the first, second, fourth, eighth, *eleventh* and sixteenth, two judges each, in the thirteenth, three judges, and, in all other districts, one judge each.

Term.

Additional judge in thirteenth—one added in eleventh.

"Appointment *and election* of Judge. That on or before July 1, *1957,* the governor of this state shall designate and appoint a judge of the said *eleventh* judicial district who shall hold office until the general election *to be held during the year 1958,* and until his successor is elected and qualified. *The judge elected at the general election during the year 1958 shall hold office until his successor has been elected and qualified at the presidential general election to be held during the year 1960.*"

Appointment of judge for eleventh district, election.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. The provisions of this act shall be in full force and effect immediately upon its passage and approval.

Approved March 4, 1957.

CHAPTER 92

An Act to Amend Section 38-208.2, of the Revised Codes of Montana, 1947, Relating to the Legal Commitment of Persons to the Montana State Hospital Within Five (5) Days After Emergency Admission, and Providing That in the Absence of the District Judge of the Third Judicial District, of the State of Montana, in and for the County of Deer Lodge, the Patient Shall be Admitted as Soon Thereafter as Possible; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 38-208.2 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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"38-208.2. **Legal Commitment Within 5 Days After Emergency Admission.** With five (5) days after the admission to the state hospital of patients who have not been legally committed as hereinbefore provided, the superintendent or acting superintendent of said hospital shall have such patients legally committed thereto by the district court of the third judicial district of the State of Montana in and for the county of Deer Lodge or shall release and discharge such patients from said hospital, *if, by reason of the absence of the district judge of the third judicial district of the State of Montana, in and for the county of Deer Lodge, or, if a jury trial is being held by such district judge, and prevents the handling of said matter as aforementioned, the patient shall be legally committed as soon after the return of the district judge as possible, or as soon as the district judge is available to attend to such admission.*"

Legal commitment within 5 days after emergency admission, district judge.

Absence of district judge, or trial being held, when admitted.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 4, 1957.

CHAPTER 93

An Act to Amend Section 27-310, Revised Codes of Montana, 1947, Providing That the License Fee for a Certified Food Store Shall be Increased to the Sum of Five Dollars ($5.00) Per Year, and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 27-310, Revised Codes of Montana, 1947, be amended to read as follows:

Amending clause.

"27-310. **Food Stores — Permits, Offenses for Failure to Obtain.** The state board of food distributors shall require and provide for the annual registration and licensing of every food store now or hereafter doing business within the state. Upon the payment of a fee of *five* dollars *($5.00)*, the board shall issue a license and provide the insignia designating such store a 'certified food store' by the state board of food distributors, to such persons as may be qualified by law to conduct a food store provided such license shall be exposed in a

Annual registration and licensing of food stores.

Fee.

License to be shown.

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Term. Unlawful without license.

conspicuous place in the food store for which it is issued, and shall expire on the thirtieth day of June following the date of issue. It shall be unlawful for any person to conduct a food store unless such license has been issued to him by the board."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1957.

CHAPTER 94

An Act to Amend Section 81-1403 of the Revised Codes of Montana, 1947, as Amended by Chapter 161, Laws of 1949, as Amended by Chapter 192, 1953, and as Amended by Chapter 28, 1955, Relating to State Forester — Appointment — Compensation — Term, and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 81-1403, Revised Codes of Montana, 1947, as amended by Chapter 161, Laws of 1949, as amended by Chapter 192, Laws of 1953, and as amended by Chapter 28, Laws of 1955, be, and the same is hereby amended to read as follows:

State forester, appointment, qualifications, salary, term, bond.

"81-1403. (1830.3) **State Forester — Appointment — Compensation — Term — Assistants — Bond.** The governor, by and with the advice and consent of the senate, shall appoint a state forester to have general charge of all the state's forests. He shall be technically trained and experienced in forestry and a graduate of an accredited forestry school, and his salary shall not exceed *seven* thousand dollars ($7,000.00) per annum, at the discretion of the state land board, together with the actual, necessary expenses while engaged in outside work in connection with his office and its duties as defined by law and the regulations of the state board of land commissioners and the state board of forestry. Such expenses shall be payable monthly from the state's general fund and/or the appropriations made to those other boards to which he, by law, has been designated secretary or executive officer. His term of office shall be for four (4) years. With the consent and approval

Increase in maximum salary.

Term.

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of the state board of land commissioners the state forester shall appoint and fix the salaries and expenses of such office help, district foresters, fire wardens, cruisers, scalers, slash disposal men, and such other trained and qualified assistants as may be necessary in the administration of the state forests and the forested lands within the state. Provided, however, that consent and approval of such appointments by any board shall be restricted to those appointments made for the purposes of that board as defined by law. He shall give a satisfactory bond to the State of Montana in the sum of ten thousand dollars ($10,000.00) as a guarantee for the faithful performance of his duties."

Assistants.

Bond.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 4, 1957.

CHAPTER 95

An Act Amending Section 11-1408 of the Revised Codes of Montana, 1947, Relating to Appropriations and Transfers Among Appropriations of Municipal Funds, Use of Borrowed Money and Liabilities for Expenditures in Excess of Budget, Permitting Expenditures on Bond Projects After Authorization of Bonds; And Providing for An Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 11-1408 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"11-1408. (5083.7) **Appropriations — Transfers Among Appropriations — Use of Borrowed Money — Liabilities for Expenditures in Excess of Budget.** (1) The estimates of expenditures, itemized and classified as required in section 11-1404, and as finally fixed and adopted by said council, shall constitute the appropriations for the municipality for the fiscal year intended to be covered thereby, and the council and every other municipal official, shall be limited in the making of expenditures or incurring of liabilities to the amount of such detailed appropriations and classifications, respect-

Municipal appropriations.

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ively; provided that upon a resolution adopted by the council at a regular or special meeting, and entered upon its minutes, transfers or revisions within the general class of 'salaries and wages' and of 'maintenance and support' may be made, provided, that no salary shall be increased above the amount appropriated therefor. Transfers between the general classes provided in section 11-1404 shall not be permitted, provided and except that in the case of appropriations to be expended from the municipal road or bridge funds, any transfer between or among the general classes of (1) salaries and wages, (2) maintenance and support, and (3) capital outlay, may be made.

Transfers between general classes of appropriations not permitted. Exception.

Use of money borrowed.

"(2) Moneys received from borrowings shall be used for no other purpose than that for which borrowed, except that if any surplus remain after the accomplishment of the purpose for which borrowed it shall be used to redeem the municipal debt. Where any budget shall contain an expenditure program to be financed from a bond issue to be authorized thereafter, no expenditure shall be made or obligation incurred thereunder until such bonds have been duly authorized and the proceeds are available, and where any expenditure program is to be financed from a tax levy required to be authorized and approved at an election no expenditure shall be made or obligation incurred thereunder until such levy is so authorized and approved." *The authorization of a bond issue by the electors, or by the governing body of the city where an election is not required, shall constitute an appropriation of the bond proceeds to the purpose for which the bonds are authorized, whether or not such purpose is included in a budget previously adopted, but no warrants shall be drawn, expenditures made or obligations incurred in excess of such appropriation, except pursuant to an additional appropriation included in a budget regularly adopted.*

No expenditure or obligation to be made on bond issue or tax levy, until when.

Authorization of bond issue shall constitute appropriation of bond proceeds.

Limitation of amount of appropriation.

Excess obligations incurred, not liability of municipality.

Official making liable on bond.

"(3) Expenditures made, liabilities incurred, or warrants issued, in excess of any of the budget detailed appropriations as originally determined, or as thereafter revised by transfer, as herein provided, shall not be a liability of the municipality, but the official making or incurring such expenditure or issuing such warrant shall be liable therefor personally and upon his official bond. The council shall not approve any claim, and the clerk

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shall not issue any warrant for any expenditure in excess of said detailed budget apropriations as finally adopted, or as revised under the provisions hereof, except upon an order of a court of competent jurisdiction, or for an emergency as hereinafter provided. Any municipal officer or officers approving any claim or issuing any warrant in excess of any such budget appropriation, except as above provided, shall forfeit to the city fourfold the amount of such claim or warrant, which shall be recovered in an action against such officer or officers, or all of them, and their several sureties on their official bonds, and it shall be the duty of the city attorney to bring an action therefor in the name of the municipal corporation."

Excess claims not to be approved, except on order of court of for emergency.

Penalty for approval of excess claims.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 4, 1957.

CHAPTER 96

An Act to Amend Section 60-201, Revised Codes of Montana, 1947, as Amended by Chapter 131, Laws of Montana, 1955, Relating to Petroleum Products Dealer's License and Providing That Said Licenses Shall be Nontransferable; to Amend Section 60-202, Revised Codes of Montana, 1947, as Amended by Chapter 131, Laws of Montana, 1955, Relating to the License Fees of Petroleum Products Dealers and Providing for the Fees on Measuring Devices; Providing for Method of Delivery; Making Certain Hose Deliveries Unlawful; Requiring Suitable Provisions for Sealing Tank Markers; Providing for the Fixing of Fees for Retesting; Increasing the Additional Fees for Delinquent Payments; Providing for Removal of Equipment for Nonpayment by the Sealer of Weights and Measures and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 60-201 of the Revised Codes of Montana, 1947, as amended by Chapter 131, Laws of Montana, 1955, be, and the same is hereby amended to read as follows:

Amending clause.

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Petroleum products dealers' license, application to state sealer of weights and measures.

"60-201. (3913.1) **Petroleum Products Dealer's License.** All persons, firms, copartnerships, corporations, trusts or agencies engaged, directly or indirectly, in the business of selling or offering or advertising for sale or in the business of refining or manufacturing or keeping for sale within the State of Montana any gasoline, kerosene, distillate, road oil, fuel oil, or any oil or gas or oil and gas product, lubricating oil and greases, for use in motor vehicles or in internal combustion engines, shall make application to the state sealer of weights and measures of Montana, upon such blank forms as may be provided by said state sealer of weights and measures for the right to do business in the State of Montana and the making of such application shall be a condition precedent to the right of any such person, firm, copartnership, corporation, trust or agency to transact any such business within the State of Montana and upon the making and filing of such application and the payment of the proper fee, a license *which shall be nontransferable* shall issue to the applicant.

License nontransferable.

"Such persons, firms, copartnerships, corporations, trusts or agencies are hereinafter, for brevity, designated dealers, and the term 'dealers' whenever used herein, shall include all persons, firms, copartnerships, corporations, trusts or agencies described in this section."

"Dealers" defined.

Amending clause.

Section 2. That Section 60-202 of the Revised Codes of Montana, 1947, as amended by Chapter 131, Laws of Montana, 1955, be, and the same is hereby amended to read as follows:

License fees.

"60-202. (3913.2) **License Fees.** That effective on and after the first day of January, 1956, each retail dealer shall pay a license fee of two dollars ($2.00) for each separate place of business which shall include one retail gasoline, diesel or fuel oil *measuring device.* Two dollars ($2.00) for each additional gasoline, diesel or fuel oil *measuring device* in excess of one used at such place of business.

Measuring device.

Meters.

"For vehicle tank meters and bulk petroleum meters of two and one-half (2½) inch and under, six dollars ($6.00). All two and one-half (2½) inch and under meters for more than one fluid, ten dollars ($10.00). Bulk petroleum meters over two and one-half (2½) inch, ten dollars ($10.00). All meters over two and one-half

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(2½) inch for more than one fluid, fifteen dollars ($15.00).

"All vehicle tanks used for distribution of petroleum products without meters up to and including two hundred (200) gallons, eight dollars ($8.00). All vehicle tanks without meters over two hundred (200) gallons and including three hundred (300) gallons, ten dollars ($10.00). All vehicle tanks without meters over three hundred (300) gallons and including five hundred (500) gallons, twelve dollars ($12.00). All vehicle tanks without meters over five hundred (500) gallons and including one thousand (1000) gallons, sixteen dollars ($16.00). All vehicle tanks without meters over one thousand (1000) gallons and including two thousand (2000) gallons, twenty dollars ($20.00)." Vehicle tanks without meters.

It is unlawful to make hose delivery from vehicle tanks unless the tanks have been calibrated by the division of weights and measures. Part of a compartment delivery can only be made by a certified meter or an approved can. Gauge stick measurement will not be permitted. All tank markers will require suitable provision for sealing in a definite position, approved by the division of weights and measures. The sealer of weights and measures shall by proper regulation, fix fees for retesting measuring devices and all tanks used for the distribution of petroleum products or any special service rendered. Unlawful to make hose delivery unless tanks calibrated. Part compartment delivery. Gauge stick measure not permitted. Tank markers. Retesting fee and special service fees.

"All licenses shall be annual and expire December thirty-first. License expiration.

"All license fees, under this act, that are not paid before July first of each year, where measuring device is in use, there will be an added charge of *fifty* per cent *(50%)* and if the fee is not paid the equipment will be sealed and removed, *by the sealer of weights and measures or his deputies,* from service until such fee has been paid. Anyone found using a device or removing the seal before all license fees have been paid shall, upon conviction, be deemed guilty of a misdemeanor and subject to a fine of not less than ten dollars ($10.00) nor more than one hundred dollars ($100.00)." Penalty for nonpayment of fees, unauthorized operation. Misdemeanor.

Section 3. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 4, 1957.

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CHAPTER 97

An Act to Amend Section 54 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to No-Passing Zones; by Prohibiting Passing Over Pavement Striping Designating No-Passing Zones; By Providing That All Acts or Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 54 of Chapter 263 of the Session Laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

No-passing zones, commission authorized.

"Section 54. **No-Passing Zones.** *(a)* The commission is hereby authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs *or* markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof."

Signs or markings— no passing at.

(b) Where signs or markings are in place to define a no-passing zone as set forth in paragraph (a) no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1957.

CHAPTER 98

An Act to Amend Section 59-703 of the Revised Codes of Montana, 1947, Relating to Printing of Official Reports — Limitation; Providing for Additional Limitations on Such Reports as to Content, Size and Color, and Containing a Repealing Clause.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 59-703 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Printing official reports, application to board of examiners.

"59-703. (520) **Printing Official Reports — Limitation.** The head of any state office, board, bureau, commission or department, who under the statutes of the state is required to make an annual or biennial report of his office, board, bureau, commission or department, may make application to the state board of examiners for permission to have such report printed and published, and the said board shall have full power to grant or deny such application.

Authorization of board of examiners required.

"No report of any state office, board, bureau, commission or department subsequent to the reports for the two year period terminating June 30, 1936, shall be printed and published until the same has been submitted to the state board of examiners and the printing authorized. The said board shall authorize the printing and publication of such reports only when it deems the usefulness of the reports in the administration of the government of the state to justify the expense.

Board may demand without application.

"The state board of examiners may in its discretion demand that the annual or biennial report of the head of any office, board, bureau, commission or department shall be printed and published without receiving any request from the officer concerned."

Reports, contents, size, color of covers.

Such reports shall be confined to a factual presentation to the governor and legislature of the activities of the department concerned and shall be 8 1/2 X 11 inches in outside dimension and shall employ single color covers only.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1957.

CHAPTER 99

An Act to Amend Section 46-1008 of the Revised Codes of Montana of 1947, Relating to Shipment of Stray Cattle, Duty of Shipper and Railroad Agents, Provid-

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ing for a Petition for Inspection of Cattle Prior to Shipment, and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 46-1008 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Shipment of stray cattle.

"46-1008. (3341) **Shipment of Stray Cattle — Duty of Shipper and Railroad Agents** — *Petition For Inspection.* Every person, agent, firm, corporation, pool or roundup association, who shall ship cattle by railroad to any market where Montana livestock inspectors are maintained, may ship with their own cattle any estrays which may be among them, but they must before shipment, or at the time of loading same on the cars for shipment, carefully and as accurately as possible inspect or tally the brand on such cattle, whether their own or estrays, making a list in duplicate, which list shall state the date of loading, name of shipper, description of brands on each animal, number and class of the cattle bearing such brand, destination, name of the commission firm to whom consigned, and the name of the person in charge of the shipment except that in the case of cattle not owned by the shipper and which are marked with a recorded brand, or where the owner is known to be someone other than the shipper, the shipper must obtain the written consent of such owner or owners, or the written consent of a state stock inspector or a deputy state stock inspector before shipment of such cattle. It shall be the duty of the railroad agent at the point of loading to require from the shipper lists as described in this act, and to forward, within twenty-four (24) hours after loading, one copy to the livestock commisison at Helena, Montana, and another copy to the Montana brand inspector at the point of destination. *However, in any county or counties where there has been established an association of livestock people, the livestock commission on the receipt of a petition from an association shall require that all cattle shipped by rail from the respective county or counties be inspected before loading by a state stock inspector or deputy state stock inspector. The petition must be signed by at least fifty-one per cent (51%) of the owners of cattle in the county, and such petitioners owning at least fifty-five per cent (55%) of the cattle as shown by the most*

Duty to inspect or tally, make listing.

Written consent of owner or stock inspector.

Duty of railroad agent, copies of transmitting lists.

Commission shall require inspection, when, on shipment from county.

Petition.

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recent completed assessment records of the county assessor.''

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 4, 1957.

CHAPTER 100

An Act to Amend Section 26-202.1 of the Revised Codes of Montana, 1947, Being Section 1, Chapter 267 of the Laws of Montana, 1955; Relating to Licenses — Fees — Classification of Licenses — Fees and Powers Under Licenses and Providing a New Subsection Thereto Allowing Residents of the State of Montana Seventy (70) Years of Age Free Game Bird and Fishing Privileges; Providing Revocation of the Privilege for Violations of Laws and Regulations and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 26-202.1 of the Revised Codes of Montana, 1947, being Section 1, Chapter 267 of the Laws of Montana, 1955, be, and the same is hereby amended to read as follows: Amending clause.

''26-202.1. **Licenses — Fees — Classification of Licenses — Fees and Powers Under Licenses.** (1) Class A License. Resident Game Bird and Fishing License. Upon payment of a fee of three dollars ($3.00) the applicant who qualifies therefor shall receive a Class A license which shall entitle the holder thereof to pursue, hunt, shoot and kill game birds and possess dead bodies of game birds, and to fish with hook and line or rod as authorized by regulations of the commission. Class A license. Fee. Scope.

''(2) Class A-1 License. Resident Big Game License. Any holder of a Class A license, who is twelve (12) years of age or older, may, upon payment of an additional sum of three dollars ($3.00), be entitled to a Class A-1 license, which will entitle the holder to pursue, hunt, shoot and kill game animals and possess the carcass of game animals of the state which are authorized by the commission to be pursued, hunted, shot, killed, taken or possessed. Class A-1 license. Fee. Scope.

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Class A-2 license, bow and arrow.

"(3) Class A-2 Licenses — Special Bow and Arrow License. To Pursue, Hunt, Shoot, Kill, Take and Possess Deer. Any holder of a Class A-1 license may, upon

Fee.

payment of an additional sum of two dollars ($2.00) to any agent of the fish and game commission, authorized to issue fishing and hunting licenses, be entitled to a

Scope.

Class A-2 license, which shall authorize the holder thereof to pursue, hunt, shoot and kill deer with bow and arrow and to possess the carcass of deer during a special season, as same may be designated by the fish and game commission.

Class B— non-resident, limited residence.

"(4) Class B License — Nonresident, or a Person Having Less Than Six (6) Months' Residence in the State. Any nonresident of the state of Montana or any person who has been a resident citizen for less than six (6) months, upon payment of the sum of ten dol-

Fee.

lars ($10.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be entitled to a Class B license, which shall entitle

Scope.

the holder thereof to fish with hook and line as authorized by the rules and regulations of the commission.

Class B-1, non-resident.

"(5) Class B-1 License—Nonresident and Persons Having Less Than Six (6) Months' Residence In the State. Game Bird License. Any nonresident of the State of Montana or any person who has been a resident citizen for less than six (6) months, upon payment of

Fee.

the sum of twenty-five dollars ($25.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses shall be entitled to a Class

Scope.

B-1 license, which shall entitle the holder thereof to pursue, hunt, shoot, kill and possess game birds as authorized by the rules and regulations of the commission.

Class B-2, non-resident.

"(6) Class B-2 License—Nonresident or Persons Having Less Than Six (6) Months' Residence in the State. Big Game License. Any nonresident of the State of Montana, or any person who has been a resident citizen for less than six (6) months, upon the payment of the

Fee.

sum of one hundred dollars ($100.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be entitled to a Class B-2 license which shall authorize the holder to pursue,

Scope.

hunt, shoot, kill game animals, and to possess the car-

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casses of same, and to pursue, hunt, shoot, kill and possess game birds, and to fish with hook and line as may hereinafter be authorized by the rules and regulations of the commission.

Class B-3, non-resident temporary or tourist. Fee.

"(7) Class B-3 License—Temporary Nonresident or Tourist License. Any nonresident of the State of Montana, upon payment of the sum of three dollars ($3.00) to any agent of the fish and game commission authorized to issue fishing and hunting licenses, shall be entitled to a temporary nonresident fishing license, which shall authorize the holder to fish with hook and line as authorized by the rules and regulations of the fish and game commission for a period of six (6) days from and after the issuance of such license.

Scope.

Term.

Special licenses.

"(8) Special Licenses—Any applicant who is the holder of a Class A-1 resident big game license or any applicant who is the holder of a Class B-2 nonresident big game license may apply for a special license, which, in the judgment of the fish and game commission is to be issued and shall pay the following fees therefor:

Moose, twenty-five dollars ($25.00).

Mountain Goat, five dollars ($5.00).

Mountain Sheep, fifteen dollars ($15.00).

Bison or Buffalo, twenty-five dollars ($25.00).

Class C, trapper's.

"(9) Class C License—Trapper's License. Any holder of a Class A license, upon making application and paying the sum of ten dollars ($10.00) to the fish and game commission, shall be entitled to a trapper's license, which shall authorize the holder thereof to trap furbearing animals, except beaver, within the State of Montana at such times and in such manner as may be lawful so to do under the laws of the state and the regulations of the fish and game commission, and at such places as may be designated in said license.

Fee.

Scope.

Class C-1, land owner's trapper's permit.

"(10) Class C-1 License—Land Owner's Trapper's License. Any owner or tenant, or member of the immediate family of said owner or tenant, upon making application to the fish and game commission, and upon payment of the sum of one dollar ($1.00) shall be entitled to a land owner's trapper's license which shall

Fee.

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Scope.

entitle the holder thereof to trap any furbearing animal, except beaver, on land owned or leased by him, or his immediate family, at such times and in such manner as may be lawful so to do under the laws of the state and the regulations of the fish and game commission and at such places as may be designated in said license."

Exception, person 70 years old.

(11) Exception — Any person a resident of the State of Montana as defined in Section 26-202.3 of the Revised Codes of Montana, 1947, Subsection 2, Chapter 267, Laws of Montana, 1955, who has attained the age of seventy (70) years shall be entitled to fish and hunt game birds without a Class A License, provided that said persons carry proof of age in lieu of the Class A License described in the foregoing subsection (1), and provided that for persons convicted of any violation of the fish and game laws or regulations of the State of Montana, the privilege conferred by this subsection shall be revoked for a period of not less than six (6) months.

Class A license.

Revocation,

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1957.

CHAPTER 101

An Act to Amend Section 31-117, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 141 of the Session Laws of the Thirty-second Legislative Assembly of the State of Montana, 1951, Relating to the Creation of a Drivers' Examination Section of the Montana Highway Patrol, by Providing for the Selection of the Chief Examiner, Assistant Chief Examiners and Examiners; by Substituting the Word "Captain" for the Words "Assistant Supervisor;" by Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 31-117 of the Revised Codes of Montana, 1947, as amended by Section 1, Chapter 141 of the Session Laws of the thirty-second legislative

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assembly of the State of Montana, 1951, be, and the same is hereby amended to read as follows:

Drivers' examination section of highway patrol.

"Section 31-117. **Drivers' Examination Section of Highway Patrol.** There is hereby created a drivers' examination section of the Montana highway patrol, under the direct control and supervision of the Montana highway patrol board. Said board shall maintain a permanent place of business at the state capitol and shall meet at last once each month for the purpose of transacting business either as the drivers' examining board, the highway patrol board, or jointly for the two. The board shall select a chief examiner, *and as many* assistant chief examiners, and examiners as it deems necessary and shall provide for the necessary clerical help.

Chief examiner and assistant chief examiners.

Qualifications of examiners.

"The chief examiner, assistant chief examiners, and all examiners shall have the same qualifications as are required for members of the Montana highway patrol.

Rank.

The chief examiner shall rank as *a captain,* the assistant chief examiners shall rank as sergeants, and the examiners shall rank as patrolmen."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1957.

CHAPTER 102

An Act to Amend Section 31-104, Revised Codes of Montana, 1947, Relating to Supervisor — Term — Salary — Supervisory Power — Resident Requirement; by Authorizing Supervisor to Designate Authority and Responsibility of Each Rank, Grade and Position, to Formulate Standards and Policies for the Selection of Recruit Patrolmen, to Prescribe the Official Uniform of the Montana Highway Patrol, to Assign Employees to Specific Patrol Areas, to Charge Employees With Destruction of State Property, to Take Disciplinary Action Against Any Employee as is Prescribed by Law, and to Purchase Equipment as is Necessary for the Efficient Operation of the Patrol; by Fixing the Salary of the Supervisor; by Repealing All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 31-104 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Highway patrol supervisor, term and salary.

"31-104. **Supervisor — Term — Salary — Supervisory Power — Resident Requirement.** The board shall select a highway patrol supervisor who shall hold his office until his appointment has terminated for cause, as hereinafter set forth, and shall receive a salary of *seven* thousand dollars ($7,000.00) per annum, and necessary traveling expenses. The supervisor shall have direct control and supervision of all patrolmen, subject to the approval of the Montana highway patrol board. The person named as supervisor shall have been a continuous resident of Montana for at least five (5) years." *The supervisor, with the approval of the board and within the limits of any appropriation made available for such purposes, shall for such Montana highway patrol:*

Control and supervision of patrolmen.

Duties of supervisor.

Authority and responsibility of patrolmen.

1. Designate the authority and responsibility in each rank, grade and position;

Recruiting policies, standards, qualifications.

2. Formulate standards, policies and qualifications in the selection of recruit patrolmen;

Prescribe uniform.

3. Prescribe the official uniform of the Montana highway patrol;

Station employees.

4. Station employees in such localities as he shall deem advisable for the enforcement of the traffic laws of this state;

Charge property lost or destroyed.

5. Charge against each employee the value of property of the state, lost or destroyed through the carelessness or neglect of such employee;

Discharge, demote or suspend after hearing under Section 31-105, R.C.M., 1947.

6. Discharge, demote, or temporarily suspend after hearing as provided in Section 31-105, any employee of the department;

Motor equipment and other equipment.

7. Have purchased, or otherwise acquired, by the purchasing department of the state, motor equipment and all other equipment and commodities deemed by him essential for the efficient operation of the Montana highway patrol.

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 4, 1957.

CHAPTER 103

An Act to Amend Section 114, Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to Head Lamps on Motor Vehicles; by Providing for a Lower Minimum Height of Head Lamps; by Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 114 of Chapter 263 of the Session Laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows: Amending clause.

"Section 114. **Head Lamps on Motor Vehicles.** (a) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two (2) head lamps with at least one (1) on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this article. Head lamps on motor vehicles.

"(b) Every motorcycle and every motor-driven cycle shall be equipped with at least one (1) and not more than two (2) head lamps which shall comply with the requirements and limitations of this article. Motorcycles.

"(c) Every head lamp upon every motor vehicle, including every motorcycle and every motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four (54) inches nor less than twenty-*four (24)* inches to be measured as set forth in section 113 (b), *Chapter 263 of the Session Laws of the thirty-fourth legislative assembly of the State of Montana, 1955.*" Location measured as set forth in Ch. 263, laws of 1955.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 4, 1957.

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CHAPTER 104

An Act to Amend Section 53-628 of Replacement Volume Number 3 of the Revised Codes of Montana, 1947, Relating to Trucks, Trailers and Semitrailers Marked With Weight or Capacity — Markings on Farm, Logging or Livestock Vehicles by Providing for the Marking on Combinations of Vehicles and on Ready Mix Concrete, Low Boy and Special Fee Vehicles; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 53-628 of the Replacement Volume Number 3 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Trucks, truck tractors or buses to have gross weight marked thereon, or seating capacity.

"53-628. **Trucks,** *Truck Tractor or Bus* **Marked with Weight or Capacity — Markings on Farm, Logging, Livestock,** *Ready Mix Concrete, Equipment or Special* **Vehicles.** Each truck, *truck tractor* or bus shall have permanently marked in clearly visible letters and numbers at least two *(2)* inches in height on *the driver's* side of said vehicle, the maximum gross weight *or maximum gross weight of the combinations of vehicles* or seating capacity for which said vehicle is taxed under this act. Any such vehicle registered and taxed as a farm, logging, livestock, *ready mix concrete, low boy or special fee* vehicle shall have in addition thereto, and equally visible, the words 'Farm Vehicle,' 'Logging Vehicle,' 'Livestock Vehicle,' *'Mixer Vehicle,' 'Equipment Vehicle'* or *'Special Vehicle'.*"

Additional markings required, classification.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1957.

CHAPTER 105

An Act to Amend Section 65 of Chapter 263 of the Session Laws of the Thirty-Fourth Legislative Assembly of the State of Montana, 1955, Relating to Signals by Hand and Arm or Signal Device; by Deleting

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Mechanical Signal Arm as a Signal Device; and to Amend Section 130 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to Signal Lamps and Signal Devices; by Deleting Mechanical Signal Arm as a Signal Device; and by Providing That All Acts or Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 65 of Chapter 263 of the Session laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

Signals by hand and arm or device.

"Section 65. **Signals by Hand and Arm or Signal Device.** (a) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by a signal lamp or lamps, except as otherwise provided in paragraph (b).

Signal lights or device required on certain vehicles.

"(b) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, a signal lamp or lamps when the distance from the center of the top of the steering post to the left outside limit of the body, *cab,* or load of such motor vehicle exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen (14) feet. The latter measurement shall apply to any single vehicle, also to any combination of vehicles."

Amending clause.

Section 2. That Section 130 of Chapter 263 of the Session laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

Stop lights authorized.

"Section 130. **Signal Lamps and Signal Devices.** (a) Any motor vehicle may be equipped and when required under this act shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight, and which shall be actuated upon application of the service

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(foot) brake, and which may but need not be incorporated with one (1) or more other rear lamps.

Turn indicator lights authorized.

"(b) Any motor vehicle may be equipped and when required under this act shall be equipped with lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. When lamps are used for such purposes, the lamps showing to the front shall be located on the same level and as widely spaced laterally as practicable and when in use shall display a white or amber light, or any shade of color between white and amber, visible from a distance of not less than one hundred (100) feet to the front in normal sunlight, and the lamps showing to the rear shall be located at the same level and as widely spaced laterally as practicable and when in use shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred (100) feet to the rear in normal sunlight. When actuated such lamps shall indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

No glaring light.

"(c) No stop lamp or signal lamp or device shall project a glaring light."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1957.

CHAPTER 106

An Act to Amend Section 53-434 of Replacement Volume 3 of the Revised Codes of Montana, 1947, Relating to Proof Required Upon Certain Convictions; by Adding Board as Authority to Suspend, Revoke or Cancel Under Other Laws; by Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 53-434 of Replacement Volume 3 to the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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"53-434. **Proof Required Upon Certain Convictions.** (a) Whenever the supervisor *or the board,* under any of the laws of this state, suspends, revokes, or cancels the license of any person upon receiving record of a conviction or a forfeiture of bail, the supervisor *or the board,* shall also request and require of the registrar the suspension of the registration for all motor vehicles registered in the name of such person, except that the registrar shall not suspend such registration, unless otherwise required by law, if such person has previously given or shall immediately give and thereafter maintain proof of financial responsibility with respect to all motor vehicles registered by such person.

Upon suspension, revocation or cancellation for conviction or a forfeiture of bail, board or supervisor to request and require suspension of registration of motor vehicles, except upon proof of financial responsibility.

"(b) Such license and registration shall remain suspended, revoked or cancelled and shall not at any time thereafter be renewed nor shall any license be thereafter issued to such person, nor shall any motor vehicle be thereafter registered in the name of such person until permitted under the motor vehicle laws of this state and not then unless and until he shall give and thereafter maintain proof of financial responsibility.

Effective until registration permitted and proof of financial responsibility.

"(c) If a person is not licensed, but by *the* final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension, revocation or cancellation of a license, or for operating a motor vehicle upon the highways without being licensed to do so, or for operating an unregistered motor vehicle upon the highways, no license shall be thereafter issued to such person and no motor vehicle shall continue to be registered or thereafter be registered in the name of such person until he shall give and thereafter maintain proof of financial responsibility.

No license or registration upon conviction or forfeiture until proof of financial responsibility.

"(d) Whenever the supervisor *or the board* suspends, revokes or cancels a nonresident's operating privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended, revoked or cancelled unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility."

Non-residents operating privilege, same.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 4, 1957.

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CHAPTER 107

An Act to Amend Section 53-448 of Replacement Volume 3 of the Revised Codes of Montana, 1947, Relating to Surrender of License and Registration; by Providing That Highway Patrolmen May Secure Possession of License or Registration; by Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 53-448 of Replacement Volume 3 to the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Surrender of license and registration, when required.

"53-448. **Surrender of License and Registration.** Any person whose license or registration shall have been suspended as herein provided, or whose policy of insurance or bond, when required under this act, shall have been cancelled or terminated, or who shall neglect to furnish other proof upon request of the supervisor shall immediately return his license and registration to the supervisor. If any person shall fail to return to the supervisor the license or registration as provided herein, the supervisor shall forthwith direct any peace officer *or highway patrolman* to secure possession thereof and to return the same to the supervisor. The supervisor shall thereupon forward the registration to the registrar."

Failure to surrender.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1957.

CHAPTER 108

An Act to Amend Section 148 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to "Certain Vehicles to Carry Flares and Other Warning Devices;" by Providing That Such Emergency Equipment be Carried at All Times by Certain Vehicles; by Repealing All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 148 of Chapter 263 of the Session Laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

Certain vehicles to carry flares, warning devices.

"Section 148. **Certain Vehicles to Carry Flares or Other Warning Devices.** (a) No person shall operate any motor truck *of one (1) ton capacity or greater,* passenger bus, or truck tractor upon any highway outside the corporate limits of municipalities at any time unless there shall be carried in such vehicle the following equipment except as provided in paragraph (b):

Three flares, lanterns or portable reflectors.

"1. At least three (3) flares or three (3) red electric lanterns or three (3) portable red emergency reflectors each of which shall be capable of being seen and distinguished at a distance of not less than six hundred (600) feet under normal atmospheric conditions at nighttime.

Requirements of portable reflectors.

"No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to display a minimum of twenty-four (24) square inches of reflective surface, or two (2) reflecting elements; one above the other, either of which shall be capable of reflecting red light clearly visible from all distances within six hundred (600) feet to one hundred (100) feet under normal atmospheric conditions at night when directly in front of lawful upper beams of headlamps.

Three fusees.

"2. At least three (3) red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

Two flags.

"3. At least two (2) red-cloth flags, no less than twelve (12) inches square, with standards to support such flags.

Requirement for vehicles transporting explosives and other dangerous commodities.

"(b) No person shall operate at the time and under the condition stated in paragraph (a) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three (3) red electric lanterns or

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three (3) portable red emergency reflectors meeting the requirements of paragraph (a) of this section, and there shall not be carried in any said vehicle any flares, fusees, or signal produced by flame.''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 4, 1957.

CHAPTER 109

An Act Providing for Installation of Windshields of Safety Glass, Windshield Wipers, a Canopy or Top, and Electric Headlights and Tail Lights Upon Track Motor Cars Operated by Railroads Running Through or Within This State as a Common Carrier and Providing a Penalty for Violation Thereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Railroad track motor cars, equipment required.

Section 1. Every person, firm, or corporation operating or controlling any railroad running through or within this state as a common carrier shall on or before January 1, 1959, equip each of its track motor cars with:

Safety glass windshield.

(1) A windshield of safety glass and a device for wiping rain, snow and other moisture therefrom; such device shall be maintained in good order, and so constructed as to be controlled by the operator of said track motor car, and

Canopy.

(2) Upon request of the foreman, a canopy or top of such construction as to adequately protect the occupants thereof from the rays of the sun, rain, snow, or other inclement weather.

Electric headlight.

Section 2. Every person, firm or corporation, operating or controlling any railroad running through or within this state as a common carrier shall on or before January 1, 1959, equip each of its track motor cars used during the period from thirty (30) minutes before sunset, to thirty (30) minutes after sunrise, with an electric headlight of such construction and with sufficient candle power to be plainly visible at a distance of not less than three hundred (300) feet in

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advance of such track motor car, any track obstruction, land mark, warning sign, or grade crossing, and further equip such track motor car with a red rear electric light of sufficient candle power to be plainly visible at a distance of not less than three hundred (300) feet.

Section 3. Every violation of any section of this act is a misdemeanor. Misdemeanor.

Approved March 5, 1957.

CHAPTER 110

An Act to Amend Section 16-1009 of the Revised Codes of Montana, 1947, as Amended by the Laws of Montana, 1953, Relating to the Sale or Exchange of Property by Boards of County Commissioners, to School Districts Without the Necessity of Public Auction, Permitting the Proceeds to be Credited to a Construction Reserve Account; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 16-1009 of the Revised Codes of Montana, 1947, as amended by the Laws of Montana, 1953, be, and the same is hereby amended to read as follows: Amending clause.

"16-1009 (4465.9) **Sale of Property.** (1) The board of county commissioners of the several counties in this state shall have the power to sell any property, real or personal, however acquired, belonging to the county, and which is not necessary to the conduct of the county's business or the preservation of its property. If the property, real or personal, sought to be sold, is reasonably of a value in excess of one hundred ($100.00) dollars, the sale shall be at public auction at the courthouse door after previous notice given by publication in a newspaper published in said county, notice to be published once a week for four successive weeks and posted in five (5) public places in the county. The sale shall be for cash, or on such terms as the board of county commissioners may approve, provided at least twenty percent (20%) of the purchase price shall be paid in cash. In all sales of property of a value in ex- Sale of property by counties, powers and procedure.

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cess of one hundred ($100.00) dollars, there must before any sale be an appraisal thereof by the board and at a price representing a fair market value of such property, and such appraised value shall be stated in the notice of sale, provided, that whenever a county purchases equipment, as provided in Section 16-1803, Revised Codes of Montana, 1947, county equipment which is not necessary to the conduct of the county business may be traded-in as part of the purchase price after appraisal as herein provided, or may be sold at public auction as herein provided, in the discretion of the board of county commissioners.

May trade in used equipment after appraisal.

May sell property to school district for appraised value without public auction.

"(2) *The board of county commissioners shall have the power to sell any property, real or personal, however acquired, belonging to the county and which is not necessary to the conduct of the county's business or the preservation of its property, to the school district directly for its appraised value which shall represent a fair market value of such property without the necessity of a public auction. If the property to be sold to the school district is reasonably of a value in excess of one hundred ($100.00) dollars, notice of the sale shall be given by publication in a newspaper in said county, notice to be published once a week for four (4) successive weeks and posted in five (5) public places in the county.*

Notice of sale, when required how given.

Objection to appraisal—procedure.

"*(3)* Any taxpayer who may believe that such appraised value is less than the actual value of the property, may at any time before the day fixed for the sale of such property, file with the board of county commissioners written objections to such appraised value. When any such objection is filed it vacates the sale and the board of county commissioners must at once apply to the judge of the district court to have such property re-appraised. Upon such application the district judge shall appoint for such purpose three (3) disinterested persons whose appraisal must be made and filed with the county clerk and recorder, which new appraisal or re-appraisal shall be used in the next sale of such property. Such appraisers, when appointed by the district judge, and after filing their appraisal report with the county clerk and recorder, shall be allowed five dollars ($5.00) per day for each day necessarily employed in making such appraisal, and their necessary and actual expenses. No sale shall be made at public auction *or to any schoo*

Appraisal required before sale at public auction.

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district without public auction of any property unless it has been appraised within three (3) months prior to the date of the sale, and no such sale shall be made for less than ninety percent (90%) of the appraised value.

Private sale where no bid made.

"(4) If no bid or offer is made for any property offered for sale at public auction, after appraisal and notice given, as provided herein, the board of county commissioners may, at any time thereafter, sell such property at private sale, and may on such private sale accept as the purchase price therefor an amount not less than ninety percent (90%) of the appraised value thereof. All deferred payments on the purchase price of any property sold, shall bear interest at the rate of six percent (6%) per annum, payable annually and may be extended over a period of not more than five (5) years. If the property to be sold is reasonably of a value of less than one hundred dollars ($100.00), sale thereof may be had at either public or private sale, as in the discretion of the board of county commissioners, may appear to be to the best interests of the county. If it be at public sale, notice shall be given by posting in five (5) public places in the county at least five (5) days before the date of sale. No title to any property sold under the provisions hereof, shall pass from the county until the purchaser, or his assigns, shall have paid the full amount of the purchase price therefor, into the county treasury for the use and benefit of the county.

Interest on deferred payments.

Public sale notice.

Power to exchange real estate.

"(5) Provided, however, if within one (1) year no immediate sale be had of real estate attempted to be sold under the provisions of this section, the board of county commissioners may make trades or exchanges of such real estate owned by the county for any other lands or real estate of equal value located within the same county.

Funds from sale to construction reserve account.

"(6) The funds derived from the sale in the discretion of the board of county commissioners may be credited to a construction reserve account and thereafter used for capital outlay for present or future construction of or an addition to a courthouse, or county jail or county hospital."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

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Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1957.

CHAPTER 111

An Act to Amend Section 69-701, Revised Codes of Montana, 1947, Relating to County Boards of Health, and Relating to the Appointment of a Deputy County Health Officer and the Arrangement for County Health Service by Several Boards of County Commissioners; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 69-701, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

County boards of health established.

Members.

Physician to to be appointed by governor, county health officer.

Powers and duties.

Salary.

Deputy county health officer authorized.

"69-701. **County Boards of Health.** There is hereby established in each county a board of health which is designated in this act as the 'County Board of Health,' which shall consist of the board of county commissioners and one physician legally authorized to practice medicine and surgery in this state, who must be appointed by the board of county commissioners. Said physician when so appointed shall be ex officio secretary of the county board of health and the county health officer, and shall hold office at the pleasure of the board. The county health officer shall have the same powers and perform the same duties in the county of his appointment, outside of the limits of incorporated towns or cities, as are hereinabove provided for a local health officer within the corporate limits of a town or city, and his salary shall be fixed by the board of county commissioners at an amount commensurate to the work devolving upon him, and when such county health officer, in the actual discharge of his official duties, is required to travel greater than two (2) miles from the county seat of the county he represents, he shall receive his actual traveling expenses. *Said board may also, when in its judgment the interests of the county require, appoint a deputy county health officer who shall*

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be located at a point where he can serve people residing in a portion of said county in a manner appropriate to their needs. The boards of county commissioners of two (2) or more adjacent counties may also, when in their opinion the needs of the people of the county will be better served by such an arrangement, make contractual agreements with one (1) or more existing boards of health for services for any part of the county adjacent to the jurisdictional area of such board of health. For these services, the board of county commissioners for the contractual area are authorized to provide funds from the general fund of such county. Whenever such contracts are made such boards of health are declared to be the board of health for the contractual area with all the powers and duties of such boards of health."

Contractual agreements between adjacent counties.

Payment from county general fund.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1957.

CHAPTER 112

An Act to Permit Real Property to be Redeemed From Tax Sale or Tax Lien Where Such Sale or Lien is More Than Twenty (20) Years Old, and No Assignment Thereof Has Been Made, and No Proceedings for Tax Deed Initiated, by Paying the Original Tax or Assessment, Provided Such Original Taxes or Assessment be Paid on or Before December 1, 1957; Providing for a Constitutionality Provision and Providing for an Effective Date and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That from and after the passage and approval of this act, any hospital, charitable corporation, or non-profit association having an equitable or legal interest in real estate heretofore sold for taxes or assessments to any county, or which has been struck off to any county when the property was offered for sale, or to which real property a lien for taxes or assessments has attached, and where such sale or tax lien is more than twenty (20) years old, and no assignment of the certificate of such sale or of said tax lien has been

Real estate sold for taxes may be redeemed, by whom, when, how.

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made, and no action for the issuance of a tax deed has been taken, shall be permitted to redeem the same and pay such tax lien, by paying the original tax or assessment due thereon, without the payment of any penalty or interest thereon. Such redemption of tax sale or payment of tax lien must be made on or before the 1st day of December, 1957, if it is to be made without the payment of penalty or interest. This act shall not apply to the purchaser of any certificate of sale made prior to the passage and approval of this act.

Not applicable.

Severability.

Section 2. If any section, subsection, sentence, clause, or phrase of this act is for any reason held unconstitutional, such decision shall not affect the validity of the remaining portion of this act.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Repealing clause.

Section 4. All acts and parts of acts are hereby repealed.

Approved March 5, 1957.

CHAPTER 113

An Act to Amend Section 84-1817 of the Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 240, Laws of the Thirty-third Legislative Assembly of the State of Montana, 1953, Relating to the Method for the Determination, Allotment and Apportionment of the State Highway Fund for Construction Purposes, by Providing for the Allotment of State Construction Funds to the Federal Aid Interstate Highway System, and Apportionment of State Funds to Financial Districts, Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing An Effective Date Hereof.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 84-1817 of the Revised Codes of Montana, 1947, as amended by Section 1, Chapter 240, Laws of 1953, be, and the same is hereby amended to read as follows:

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"84-1817. (2396.3) **Distribution of State Highway Construction Funds.**

Distribution of state highway construction funds.

"(1) Allotment of state construction funds for federal aid highway systems.

Allotment of funds to federal aid interstate highway system and federal aid primary highway system.

"At the start of the fiscal year beginning July 1, *1957,* and at the beginning of each fiscal year thereafter, the state highway commission shall allot available state construction moneys to *the federal aid interstate highway system,* the federal aid primary highway system, the federal aid secondary highway system and the federal aid urban highway system in proportion to the amounts necessary to match the respective amounts of federal aid *available for expenditure on these systems at the beginning of each fiscal year.*

Apportionment to federal aid primary system.

"(2) Apportionment of state construction moneys to the federal aid primary highway system. At the start of the fiscal year beginning July 1, 1953, and at the beginning of each fiscal year thereafter, the state highway commission shall compute from its records the percentage of incompleted mileage of the federal aid primary highway system within each of said districts which each district respectively bears to the total incompleted mileage of said federal aid primary highway system within this state at that time, and the actual respective percentages of incompleted mileage in each district as so computed and determined at the beginning of each fiscal year shall be used in apportioning construction moneys for that year to each of the said financial districts from the state highway fund as defined and provided by Section 84-1816. As a basis for the determination of the amount of incompleted mileage of said federal aid primary highway system in this state for each fiscal year, the state highway commisison shall adopt as the criterion the current definition, as prescribed by the bureau of public roads, for a fully and adequately completed federal highway in this state. This criterion shall be considered as a one hundred per cent (100%) completed federal highway; and federal highway mileage which is only partially completed under the application of this criterion, shall be considered as only partially completed on a percentage basis, this to be determined from the relative estimated percentage costs of construction already performed and of additional construction which must be

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performed to bring said mileage up to the standard of said criterion.

Apportionment to federal aid secondary system.

"(3) Apportionment of state construction moneys to the federal aid secondary highway system. At the start of the fiscal year beginning July 1, 1953, and at the beginning of each fiscal year thereafter, state construction moneys for the federal aid secondary highway system shall be apportioned to each of the financial districts as defined in Section 84-1815 on a percentage basis as determined in the following manner: One-fourth (¼) in the ratio of land area in each financial district to the total land area in the state; one-fourth (¼) in the ratio of the rural population in each financial district to the total rural population in the state; and one-fourth (¼) in the ratio of the rural road mileage in each financial district to the total rural road mileage in the state; one-fourth (¼) in the ratio of value of rural lands in each financial district to the total value of rural land in the state. Said moneys to be further apportioned to the counties within each financial district in the same ratio of land area, rural population and rural road mileage; and value of rural lands, provided, that to the extent necessary to permit orderly programming and construction of projects, expenditures of construction money in any county may exceed the amount apportioned to that county with the provision that such excess expenditure shall not exceed three (3) times the amount of the last annual apportionment to that county and that any excess expenditures shall be deducted from future apportionments to that county.

"Rural population" defined.

"For the purposes of this section, rural population is defined as total population less the population in cities over five thousand (5,000) persons and their unincorporated fringe urban areas as reported in the federal census. Decennial census figures for population shall be adjusted during the interim between censuses in accordance with the percentage of change occurring in annual motor vehicle registration figures for each county.

"Rural road mileage" defined.

"For the purposes of this section, rural road mileage is defined as all road mileage outside incorporated cities, exclusive of road mileage on the federal aid rural primary highway system. Rural road mileage figures reported

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by the road inventory of the state highway commission shall be used in determining rural road mileage as defined in this section.

Apportionment to federal aid urban system.

"(4) Apportionment of state construction moneys to the federal aid urban highway system. At the start of the fiscal year beginning July 1, 1953, and at the beginning of each fiscal year thereafter, state construction moneys for the federal aid urban highway system shall be apportioned to the cities in the state over five thousand (5,000) population in the ratio of urban population in each city to the total urban population in the state for all cities over five thousand (5,000) population.

"Urban population" defined.

"For the purpose of this section, urban population is defined as population within the incorporated limits of cities over five thousand (5,000) population and also the population within unincorporated urban fringe areas as delineated and reported in the federal census.

When apportionment may be exceeded.

"To the extent necessary to permit orderly programming and construction of projects, expenditures of construction money in any urban city may exceed the amount apportioned to that city with the provision that such excess expenditures shall be deducted from future apportionments to that city.

Apportionment to federal aid interstate system.

"(5) *Apportionment of state construction moneys to the federal aid interstate highway system. At the start of the fiscal year beginning July 1, 1957, and at the beginning of each fiscal year thereafter, state construction moneys for the federal aid interstate highway system shall be apportioned to each of the financial districts, as defined in Section 84-1815, Revised Codes of Montana, 1947, in proportion to the estimated cost of constructing or reconstructing the system in each district as compared with the total estimated cost of constructing or reconstructing the entire system within the state. The cost estimates to be used for apportioning said state construction funds shall be those costs developed by the state highway commission in accordance with the provisions of subsection (d) of Section 108 of Title I of the Federal Aid Highway Act of 1956.*

Allowable variation in any financial district.

"*(6)* The state highway commission may vary the expenditures made in any financial district under the provisions of this act to the extent of fifteen percent (15%)

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above the amount of money allocated to such district in any year *for the federal aid primary highway system or the federal aid secondary highway system, and to the extent of one hundred percent (100%) above the amount of money allocated to such district in any year for the federal aid interstate highway system,* provided that the allocation of construction money to such district for the next succeeding fiscal year shall be decreased by an amount equal to such increased expenditures."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1957.

CHAPTER 114

An Act Providing for the Conveyance of Stored Water Through the Natural Channel of a Stream From An Irrigation Reservoir to the Place of Use; Providing for the Filing of a Petition in District Court by the Owner of Such a Reservoir and the Water Stored Therein, or by Any Person Authorized to Operate and Maintain a Storage Reservoir for Irrigation; Providing for the Requirements of Said Petition; Providing for a Hearing of Said Petition and Notice Thereof; Providing for Objections to Said Petition and the Hearing; Providing for An Order and Decree of Court Granting the Right to Convey Stored Water From the Reservoir to the Place of Use and Appointing a Water Commissioner or Commissioners to Distribute the Said Stored Water to Those Who are Entitled to the Use Thereof for Irrigation; Providing for the Authority of the Water Commissioner or Commissioners and Their Duties; Providing for the Term of Office of Water Commissioner and Fixing His Compensation; Providing for Penalties for Violations of the Act; Providing for the Application of the Act and Jurisdiction; and Repealing All Acts and Parts of Acts in Conflict Herewith and Providing for An Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Conveyance of Stored Water for Irrigation Through a Natural Channel of a Stream — Petition to**

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Conveyance of stored water for irrigation through natural channel of a stream to place of use.

be Filed in District Court — Contents of Petition. Whenever the owner of a reservoir constructed, operated and maintained for the purpose of storing and supplying water for irrigation, or whenever any person has been authorized to operate and maintain a reservoir constructed for the purpose of storing, supplying and distributing water to a person or persons entitled to the use thereof for irrigation, desires to use the natural channel of a stream for the purpose of conveying such stored water from the reservoir to the place or places of such use, such owner or person or persons may file in the district court of any county in which the natural channel of a stream, or any part thereof, is located, a petition to that effect setting forth: (1) The name of the petitioner and whether he is the owner of the reservoir constructed and maintained for the purpose of storing and supplying water for irrigation and is entitled to the use of the water stored in said reservoir for such purposes, or whether he is authorized to operate and maintain the reservoir, constructed for the purpose of storing, supplying and distributing water to the person or persons entitled to the use thereof for irrigation; (2) The location of the reservoir and the amount of water stored therein; (3) The name and location of that part of the natural channel of the stream proposed to be used to convey such stored water to the place or places of use; (4) The amount of stored water proposed to be released by petitioner for irrigation; (5) The period of time over which it is proposed to convey such stored water; and (6) The name or names of the person or persons entitled to the use of such stored water for irrigation, and the location of the place or places of use.

Petition may be filed, contents.

Section 2. **Notice of Hearing.** Upon the filing of the petition the court or judge shall fix the time and place for hearing of said petition which time shall not be less than ten (10) days after the filing of said petition. The petitioner shall give notice of said hearing by causing notices to be posted in at least three (3) public places in each county wherein is located a part of the natural channel by which it is proposed to convey the stored water from the reservoir to the place or places of use at least ten (10) days before the date of the hearing. Such notices shall contain the name

Hearing notice.

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Contents of notice.

of the petitioner, the purpose of the petition, and the time and place of the hearing.

Written objections may be filed.

Section 3. **Objections and Hearing.** At the time set for hearing, or any subsequent time to which the hearing may be postponed, any person whose property rights may be affected by the granting of the petition, may appear and file written objections to the petition and contest the same. On the hearing, upon due proof of the posting of the notice as required by the preceding section, the court or judge must proceed to hear the petition and any objections that may be filed or presented thereto. Upon such hearing, witnesses may be compelled to appear and testify, in the same manner, and with like effect, as in civil actions.

Hearing.

Order and decree of court.

Section 4. **Order and Decree of Court.** If the court or judge is satisfied, after a hearing upon the petition, that the petitioner is the owner of a reservoir constructed and maintained for the purpose of storing and supplying water for irrigation and that he is entitled to the use of the water stored in said reservoir for said purposes, or whether he is authorized to operate and maintain a reservoir constructed for the purpose of storing, supplying and distributing water to the person or persons entitled to the use thereof for irrigation, and the petitioner desires to convey the said stored water, or a part thereof, through the natural channel of the stream from the reservoir to the place or places of use, a decree shall be made and entered by the court or judge granting and decreeing to the petitioner the right to convey said stored water, or a part thereof, through the said natural channel of the stream from the reservoir to the place or places of use, and the court or judge shall appoint one or more water commissioners who shall have the authority to distribute such stored water to the person or persons who are entitled to the use thereof for irrigation.

Apportionment of water commissioners to distribute waters.

Appeal to supreme court allowed.

An appeal shall lie from the decree of the district court to the supreme court as in other civil actions.

Authority of water commissioners.

Section 5. **Authority of Water Commissioner.** Each water commissioner, appointed under this act, shall admeasure and distribute the stored water to the person or persons entitled to the use thereof. The petitioner

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shall keep the water commissioner or water commissioners advised as to the amount of stored water to be delivered to each person. Each water commissioner shall have the authority to adjust the headgates, or other means of diversion, of all ditches of all appropriators from the natural channel for the purpose of insuring that the stored water is conveyed to persons entitled to the use thereof and not taken or used by others. The duties and the authority of the water commissioner or water commissioners shall extend over the full length of the part of the natural channel used as a means of conveyance of the stored water.

Term of water commissioners, compensation.

Section 6. **Term of Office of Water Commissioner and Compensation.** Each water commissioner, appointed under the provisions of this act, shall hold his office for such a period of time as may be designated by the court or judge, and the court or judge shall fix the compensation of each water commissioner which compensation shall be paid by the owner of the reservoir or by the person authorized to operate and maintain the same.

Penalty for interference with adjustments by commissioner.

Section 7. **Penalty for Interference.** After the water commissioner or water commissioners have adjusted the head gates, or other means of diversion, of all ditches, the owners of which are not entitled to the use of such stored water, as provided in Section 4, hereof, any person who shall raise or tamper with any such head gate or other means of diversion, in such manner as to misappropriate any portion of such stored water to his own use and benefit, whether he be the owner of such head gate or other means of diversion, or not, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars ($10.00), nor more than one thousand dollars ($1,000.00), or imprisonment in the county jail not more than six (6) months, or by both such fine and imprisonment.

Misdemeanor.

Commissioner may arrest.

Whenever any water commissioner, appointed under this act, shall discover any person in the act of committing a misdemeanor declared in this section, he shall arrest such person and turn him over to the sheriff of the county in which the misdemeanor was committed and he shall file with the county attorney of such

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county an affidavit setting out the facts with reference to the commission of such misdemeanor.

Application of act and jurisdiction.

Section 8. **Application of Act and Jurisdiction.** The provisions of this act shall apply only to unadjudicated streams. The district court of any county in which the natural channel, or any part thereof, is located shall have jurisdiction hereunder and such jurisdiction, once obtained, shall extend into other counties in which any part of the natural channel, used as a means of conveyance of the stored water, is located.

Repealing clause.

Section 9. **Repealing Clause.** All acts and parts of acts in conflict herewith are hereby repealed; provided, however, that nothing in this act shall be deemed to repeal Section 89-804 of the Revised Codes of Montana, 1947.

Section 89-804, R.C.M., 1947, not repealed.

Effective immediately.

Section 10. **Effective Date.** This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1957.

CHAPTER 115

An Act to Amend Section 72-164, of the Revised Codes of Montana, of 1947, Relating to Requiring the Installation of Electric Bell or Other Signaling Devices at Railroad Crossings When Ordered by the Montana Board of Railroad Commissioners, Upon Petition of Boards of County Commissioners, When Hazardous Conditions Exist; Providing for Motor Vehicles to Come to a Full Stop at Railroad Crossings Outside of Corporate Limits of Incorporated Cities or Towns When Certain Conditions Exist; Providing for a Repealing Clause; and Providing for An Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 72-164 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Railroad commission may order electric signal bells installed.

"72-164 (3842) **Railroad Commission May Order Electric Signal Bells Installed.** Authority is hereby

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given to the board of railroad commissioners of the State of Montana upon petition in writing made to it by any board of county commissioners of the State of Montana, to order railroad companies to install and maintain an electrically operated bell or other signalling device at all points in the State of Montana where the main lines, spurs, or switches of any railroad in continuous operation and use, owned or operated by them, cross any public highway now lawfully established or hereafter laid out within the State of Montana, and where the contour of the country adjacent to said crossing is such that a person approaching same along said highway cannot, at a distance of twenty-five (25) feet of said crossing, obtain an unobstructed view of said railroad track for a distance of one half (½) mile on either side of said crossing; *or where any other hazardous conditions exist which make it advisable that electric signalling devices be installed;* provided, however, all persons driving motor vehicles upon the public highways of this state, outside of corporate limits of incorporated cities or towns, where the view is obscure, or when a moving train is within sight or hearing, shall bring said vehicle to a full stop not less than ten (10) nor more than one hundred (100) feet from where said highway intersects railroad tracks within this state, before crossing the same, at all crossings where a flagman or a mechanical device is not maintained to warn the traveling public of approaching trains or cars."

Petition by board of county commissioners.

Proviso— motor vehicles required to stop, when.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 5, 1957.

CHAPTER 116

An Act to Amend Section 32-314, Revised Codes of Montana, 1947, As Amended by Chapter 84, of the Laws of the Thirty-third Legislative Assembly of the State of Montana, 1953, Relating to Inspection of Highways and Construction Work — Compensation, and Repealing All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 32-314, Revised Codes of Montana, 1947, as amended by Chapter 84, of the Laws of the Thirty-third Legislative Assembly of the State of Montana, 1953, be, and the same is hereby amended to read as follows:

Inspection of county highways and construction—compensation.

"32-314. **Inspection of Highways and Construction Work — Compensation.** The board of county commissioners may direct the county surveyor or some member or members of said board, to inspect the condition of any highway or highways or proposed highway or any work, contract or otherwise, under the direction, supervision or control of the county officials, being done or completed on any highway or bridge in the county during the progress of the work or before any work is commenced, or after completion and before payment therefor, and such person or persons making such inspection shall receive for making such inspection when so directed the sum of *fifteen dollars ($15.00)* per day and actual expense, which shall be audited and allowed in the same manner as other claims against the county."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1957.

CHAPTER 117

An Act to Amend Section 71-202, Revised Codes of Montana, 1947, as Amended by Chapter 26, Laws of 1953, Relating to Appointment of State Board of Public Welfare; Providing for the Per Diem for Members of the Board; by Limiting the Board Members' Per Diem Payments to One Thousand Dollars ($1,000.00) Per Year; by Providing for Actual Necessary Traveling and Other Expenses in Going to, Attending and Returning From Meetings of the Board; and Repealing All Acts and Parts of Acts in Conflict Herewith; Providing for Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 71-202, Revised Codes of Montana, 1947, as amended by Chapter 26, Laws of

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1953, be, and the same is hereby amended to read as follows:

"71-202. **Appointment of State Board — Creation — Salary — Bond.** (a) The state board of public welfare shall consist of five (5) members appointed by the governor with the advice and consent of the senate on the basis of a broad experience and interest in civic affairs and matters of public welfare. The members of the state board, no more than three (3) of whom shall be of the same political party, shall be appointed on or before February 1st of each year in which the terms of members expire, to hold office for overlapping terms of four (4) years each; provided, however, that the persons heretofore appointed and now serving as such shall constitute the state board of public welfare under this act, until their successors are appointed. The governor shall fill the first two (2) vacancies in the state board as now constituted by the appointment of members whose terms shall expire on March 3, 1955, and shall fill the remaining three (3) vacancies in the state board as now constituted by the appointment of members whose terms shall expire on March 3, 1957. Board members may be removed by the governor for cause.

State board of public welfare—members appointed by governor.

Political affiliation.

Term.

Vacancies—appointment.

Term.

Removal for cause.

"(b) Each member of the state board shall be a citizen of the United States and a resident of the State of Montana for a period of five (5) years immediately preceding the date of his appointment. Appointments to fill vacancies in the membership of the state board shall be made by the governor for the remaining portion of such term.

Qualifications.

"(c) The members of the state board shall take and subscribe to the constitutional oath of office and shall furnish a surety company bond conditioned upon the faithful and proper discharge of their duties in the amount of five thousand dollars ($5,000.00) each, running to the State of Montana, the premium of which shall be paid by the state.

Oath and bond.

"(d) The governor shall designate the chairman of the state board and the state board shall elect such remaining officers of the board as it may deem necessary.

Chairman.

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Per diem and actual necessary expenses.

"(e) *Each member of the state board of public welfare shall receive fifteen dollars ($15.00) per diem for each day actually spent in the performance of his duties and his actual necessary traveling and other expenses in going to, attending and returning from meetings of the board, and his actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the board, but in no event shall a member's per diem payments exceed one thousand dollars ($1,000.00) in any one (1) year.* No member of the state board shall have any direct financial interest in or profit by any of the operations of the state department of public welfare or any of its agencies.

Maximum of $1,000.00.

Payments from state department of public welfare funds.

"Per diem and expenses of state board members shall, upon claims being presented according to state law, be paid out of funds appropriated to the state department of public welfare."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1957.

CHAPTER 118

An Act to Amend Section 79-1202, Revised Codes of Montana as Amended by the Session Laws of Montana, 1953, Relating to Investment of Funds of the State of Montana and Providing for a Uniform Plan of Investing Funds of the State of Montana and the Departments, Agencies and Institutions Thereof, Repealing All Acts and Parts of Acts in Conflict Herewith and Providing That This Act be in Full Force and Effect After Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 79-1202, Revised Codes of Montana as amended by the Session Laws of Montana, 1953, be, and is hereby amended to read as follows:

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"79-1202. (5668.20) **Funds to be Invested According to Unified Plan.**

Funds to be invested according to uniform plan. Trust and legacy fund—content and permissive investments.

"1. The state board of land commissioners is hereby authorized and required to invest as part of the Montana trust and legacy fund the following: The public school permanent fund, the other permanent funds originating in land grants from the United States for the support of higher institutions of learning, and for other state institutions of learning, subject to investment; the escheated estates funds, meaning all of the various sums paid over to the state treasurer from estates escheated or escheating to the state which have not been transferred to the public school permanent fund; all funds arising from any donation, gift, grant, bequest or devise for the support, maintenance or benefit of any institution of learning or any institution supported in whole or in part by the State of Montana and not intended for immediate use but subject to long term investment and not legally in the custody of any lawfully constituted board, unless some other investment agency has been designated by the donor or by statute; all funds which become parts of the Montana trust and legacy fund under the provisions of Article XXI of the Constitution; and all other public funds of the state subject to long-term investment not legally in the custody of any lawfully constituted board or the investment of which has not been designated by statute. Moneys in the Montana trust fund and legacy fund shall be invested subject to the provisions, regulations and limitations of Sections 81-1001 to 81-1008, inclusive.

Land commissioners to invest in long term investment fund.

"2. The state board of land commissioners is hereby authorized and required to invest in the long term investment fund the following: That part of the Montana highway patrolmen's retirement fund in excess of twenty-five thousand dollars ($25,000.00); the public employees' retirement fund; the industrial accident reserve fund; all funds subject to investment as designated by the teachers' retirement board; that part of the fish and game fund designated as available by the Montana fish and game commission and all other funds designated by statute. Moneys in the long term investment fund may be invested as follows:

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Type of investments.

"(a) In or upon securities which are direct obligations of the United States government; securities which are guaranteed as to principal and interest by the United States government; securities issued by instrumentalities of the United States government.

"(b) In general obligation bonds of school districts within the State of Montana; in general obligation bonds of the several counties and cities of the State of Montana; in general obligation bonds of the State of Montana; in capitol building bonds of the State of Montana, now issued or which may hereafter be issued; in bonds issued by the federal land banks; in interest-bearing warrants upon the general fund of the state and in interest-bearing warrants upon the general fund, the poor fund, the road fund, or upon the bridge fund of the several counties of the State of Montana; the purchase of all such investments to be subject to the discretion of the board.

"(c) In debentures issued by the federal housing administrator, and in obligations of national mortgage associations.

"(d) In first mortgages on unencumbered real property when such mortgages are guaranteed or insured in the amount of fifty per centum (50%) or more of the loan made in the event of default by the United States government or an agency or corporate agency of the United States government and in obligations of housing authorities subject to the terms and limitations of Section 35-143, provided, however, no more than *fifty per centum (50%)* of the funds in one (1) account shall be invested in such mortgages. All securities purchased and all cash on hand for each fund shall be kept separate in the long term investment fund and all interest collected shall be credited to the fund for which the securities were purchased.

Short term investment fund—content and permissive investments.

"3. The state board of land commissioners is hereby authorized and required to invest in the short term investment fund any surplus cash in the office of the state treasurer; any money in any state bond sinking and interest fund, which is not required for the immediate payment of any bond principal or interest, or which cannot be used for payment and redemption of bonds outstanding because of the same not being redeemable under

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the option provisions contained therein; any educational bond interest and sinking fund; any of the Montana highway patrolmen's retirement fund less than twenty-five thousand dollars ($25,000.00) as directed by the Montana highway patrolmen's retirement board and any other fund designated by statute to be so invested or any fund in the custody of any officer or officers of the state, or any governing body of any city, county or school district, the investment of which fund is requested by the officer, or officers or governing body and which fund is subject to investment. The funds in the short term investment fund may be invested as follows:

Type of investment.

"(a) The surplus cash in the office of the state treasurer may be invested in registered warrants of the State of Montana and in treasury obligations of the United States government. All warrants purchased shall bear no interest and the interest received from treasury obligations shall be credited to the general fund of the State of Montana.

"(b) Any sinking and interest fund and any other funds may be invested in bonds of the State of Montana, bonds of the United States, in bonds issued by any agency or department of the United States, treasury obligations of the United States, and in interest-bearing warrants drawn against the general fund of the State of Montana; provided, however, that none of such moneys in any sinking and interest fund shall be invested in bonds or securities except such as will be called in and paid at least fifteen (15) days prior to the time such moneys are required for payment of principal and interest of the obligations for which the sinking and interest fund was created.

Separation.

"All securities purchased and all cash on hand for each fund shall be kept separate in the short term investment fund and all interest collected shall be credited to the fund for which the securities were purchased.

Land board may employ expert, qualifications, pay.

"The state board of land commissioners is hereby authorized to employ, for the purpose of securing advice on retention, sale or purchase of securities an expert on financial matters who has had a minimum of ten (10) years' experience in the investment field and there shall not be paid for such services an amount in

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excess of one thousand dollars ($1,000.00) in any one fiscal year."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1957.

CHAPTER 119

An Act to Amend Section 66-1003 of the Revised Codes of Montana, 1947, Relating to the Examination and Qualifications of Applicants to Practice Medicine and Surgery in the State of Montana; Providing That a Certificate be Issued to Practice Medicine and Surgery and That Such Certificate be Issued Only to Citizens of the United States, or to Subjects of the Dominion of Canada Who Have Filed Their Declaration of Intention to Become a United States Citizen; and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 66-1003 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Application for a certificate—genuine diploma for verification.

"66-1003. (3118) **Examination and Qualifications of Applicants.** Every person who is an applicant to practice medicine and surgery in the State of Montana shall apply to said board of medical examiners for a certificate so to do. Every person applying shall present his or her diploma to the said board for verification as to its genuineness;

Approval of school issuing diploma.

"(a) if the diploma is found to be genuine, and is issued by a university, college or school currently approved by the council on medical education and hospitals of the American Medical Association, which fact said board shall determine, and

Examination required.

"(b) if the person presenting and claiming said diploma be the person to whom the same was originally granted, said person shall thereupon, submit to an examination at a time and place designated by said board, which may be the time and place of a regular

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meeting of said board, in and upon each of the following branches of medicine and surgery, to wit: Anatomy, physiology, materia medica, therapeutics, practice of medicine, surgery, obstetrics, diseases of women and children, diseases of the nervous system, and diseases of the eye and ear. Said board shall cause such examination to be both scientific and practical, and of sufficient breadth, thoroughness and intensity to test the candidate's fitness to practice medicine and surgery. After examination, such board, if the candidate has been found qualified, shall grant a certificate to such candidate to practice medicine and surgery in the State of Montana, which said certificate can be granted only by the consent of not less than four (4) members of said board, and which said certificate shall be signed by the president and signed and attested by the secretary of said board and authenticated by the seal thereof; provided, however, that in all cases where an applicant for a certificate under this section shall produce and exhibit to said board a genuine certificate from a board of medical examiners (however designated by the law of any other state *or a Province of Canada)* duly appointed and existing under the laws of any state of the United States *or a Province of Canada,* and which state *or Province of Canada* through its said board recognizes certificates or licenses issued by the board of medical examiners of Montana, certifying to the facts:

Certificate may be granted.

Certificates issued by other states and Canada.

"(1) that the person presenting such certificate is duly and well qualified to practice medicine and surgery in the state *or Province of Canada* issuing said certificate, and that said board issuing said certificate has subjected the applicant to a thorough written examination to ascertain this fact, or certifying to the facts;

"(2) that the person presenting such certificate is duly and well qualified to practice medicine and surgery in the state or *Province of Canada* issuing said certificate; and to the further fact, if such is the case, that said applicant was exempt from examination under the provisions of the law of said state *or a Province of Canada,* by reason of his residence in said state *or a Province of Canada* in the active practice of medicine and surgery at the time of the passage in said state *or a Province of Canada* of said law requiring the examination of applicants to practice medicine and surgery; and if said board

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Board may determine if requirements sufficient for Montana—granting of certificate.

of medical examiners is satisfied and finds that the requirements for admission to the practice of medicine and surgery in such other state *or a Province of Canada,* past or current, are the equivalent of the Montana requirements; he or she may, in the sound discretion of said board of medical examiners of Montana, upon paying the fee required of applicants for examination under the provisions of section 66-1008, and otherwise complying with all the requirements of the medical practice act of Montana, receive from said board of medical examiners of Montana a certificate to practice medicine and surgery within this state, and upon filing said certificate with the county clerk of the county in which he resides, as provided in section 66-1005, said person shall be a legally qualified practitioner of medicine and surgery in the State of Montana; provided, however, that the board may, in any case of an applicant for admission by reciprocity, require a full written examination of said applicant. During any period intervening between the regular meetings of said board of medical examiners, any person desiring to practice medicine in this state may present his or her diploma to the president or secretary of said board, who may, upon the concurrence of any four (4) members of the board, issue a temporary certificate to practice, valid only until the next regular meeting of said board.

Fee—Section 66-1008, R.C.M., 1947.

Filing required—Section 66-1005, R.C.M., 1947.

Proviso—may require examination or reciprocity.

Temporary certificate.

Prior holders of certifcates exempt.

"All physicians and surgeons who hold certificates heretofore granted by the existing board of medical examiners of Montana, or who are now legally entitled to practice medicine and surgery in this state, shall be exempt from the provisions of this section. Licenses or certificates to practice medicine and surgery in the State of Montana shall be issued only to citizens of the United States of America *or to subjects of the Dominion of Canada who have filed their declaration of intention to become a United States citizen: provided, however, that the board of medical examiners shall have the power to annul and revoke any license or certificate issued to any physician and surgeon who has filed his declaration of intention to become a United States citizen, and who thereafter fails to become naturalized within the time and manner provided for and prescribed by Congress.* The board may, by specific regulation, prescribe and enforce reci-

Issued only to citizens or Canadians who have filed declarations of intent.

Revocation.

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procity requirements current with changes in standards in the practice of medicine and surgery."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 5, 1957.

CHAPTER 120

An Act to Amend Chapter 211 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Enabling Incorporated Cities and Towns to Acquire, Operate and Lease Motor Buses and Bus Lines for the Transportation of Passengers; Providing for Borrowing Money or Issuing Bonds for the Purchase of the Same and Providing for a Vote of Taxpayers Thereon and Enabling Cities and Towns to Also Contract with Independent Carriers for Such Transportation Service, and by Adding Thereto Provisions Enabling Incorporated Cities and Towns to Also Enter Into a Lease or a Lease and Operating Agreement with Independent Carriers for Such Transportation Service; and Authorizing the Council of Such Cities and Towns to Levy a Tax on All Taxable Property Within the Limits of Such City or Town to Defray the Cost Thereof and Providing for the Submission of the Question of Such Levy to the Legal Voters of Such City or Town Who are Taxpaying Freeholders Therein Whenever it Shall be Necessary to Raise Money by Taxation for Any Such Purpose in Excess of the Levy Now Allowed by Law; Providing a Saving Clause; and Repealing All Acts and Parts of Acts in Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Chapter 211 of the Session Laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

When city or town may own and operate buses.

"Section 1. Whenever a city or town is not being served by a bus company or operator, operating on a regular schedule, and under the jurisdiction of the Montana railroad and public service commission or if such serv-

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ice is to be *or is likely to be* discontinued in the immediate future, the city or town council of any incorporated city or town shall have the power to contract an indebtedness of any such city or town upon the credit thereof by borrowing money or issuing bonds for the purchase, development, operation or leasing of motor buses and bus lines for the transportation of passengers within the corporate limits of such cities and towns, and to operate the same to any point or points beyond said limits not to exceed eight (8) miles, measured along the route of said bus line; provided that the total amount of indebtedness authorized to be contracted in any form, including the then existing indebtedness must not at any time exceed *five per centum (5%)* of the total assessed valuation of the taxable property of the city or town as ascertained by the last assessment for state and county taxes, and provided further, that no money must be borrowed or bonds issued for the purposes herein specified until the proposition has been submitted to the vote of the taxpayers affected thereby of the city or town, and the majority vote cast in favor thereof.

Limitation on indebtedness for purpose.

Vote required.

"Section 2. The said city or town council or commission shall have authority to provide for the management and operation of said system; and to do all the things necessary for the successful operation of said transportation system. Such operations shall be subject to all the provisions of the motor carrier act (Sections 8-101 to 8-129, Revised Codes of Montana, 1947) except that such municipality may be issued a certificate of public convenience and necessity without proof of the existence of public convenience and necessity, and except that the municipality shall be exempt from the payment of fees provided by Sections 8-116 and 8-127, Revised Codes of Montana, 1947.

Management of system may be provided.

Motor carrier act applies.

Exceptions.

"Section 3. Whenever a city or town is not being served by a bus company or operator, operating on a regular schedule, and under the jurisdiction of the Montana railroad and public service commission or if such service is to be, *or is likely to be,* discontinued in the immediate future, the city or town council of any incorporated city or town shall have the power to enter into a contract or contracts, *or to enter into a lease or a lease and operating agreement,* with an independent carrier or independent carriers for the transportation of passengers by

City may contract for bus service.

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bus within the corporate limits of such city or town and to and from any point or points beyond said limits not to exceed eight (8) miles measured along the route of said bus line or lines; and for the purpose of raising the necessary moneys to defray the cost of such transportation service pursuant to such contract or contracts, *lease or lease and operating agreement,* with such independent carrier or carriers the city or town council shall have the power to annually levy a tax on the taxable value of all taxable property within the limits of such city or town; provided, however, that whenever the council of such city or town shall deem it necessary to raise money by taxation for such purpose in excess of the levy now allowed by law the council of such city or town shall in the manner prescribed by law, submit the question of such additional levy to the legal voters of such city or town who are taxpaying freeholders therein, either at the regular annual election held in said city or town, or at a special election called for that purpose by the council of such city or town; provided, however, that such additional levy in excess of the levy now allowed by law shall not exceed *one and one-half (1½) mills.*

Vote required on excess levy.

Limitation on levy.

"Section 4. The said city or town council shall have power and authority to call for bids from independent carriers for such transportation service, and to do all things necessary or proper for establishment and maintenance of such transportation service by contract, *lease or lease and operating agreement.*"

Municipality may call for bids for transportation service.

Section 2. **Constitutionality.** If any part or parts of this act shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts thereof would be declared unconstitutional.

Severability clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 5, 1957.

CHAPTER 121

An Act to Amend Sections 2, 3, 4, 11, Chapter 104, Session Laws of 1955, Relating to the Definition of

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Controlled Access Highways, the Designation of Controlled Access Highways, the Powers of Highway Authorities, and Providing That Nothing Herein Contained Shall be Construed to be in Conflict with Any Federal Aid Highway Acts, and Providing for a Repealing Clause and Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 2, Chapter 104, Session Laws of 1955, be, and the same is hereby amended to read as follows:

Terms defined.

"Section 2. **Definitions** — when used in this act:

Interstate highway.

"(a) 'Interstate highway' means any highway now included or which shall hereafter be included as a part of the national system of interstate highways.

Controlled access highway.

"(b) 'Controlled access highway' means all portions of an interstate highway which the state highway commission shall determine and designate *for through traffic, over, from or to which owners or occupants of abutting land or other persons have no easement of access or only a limited easement of access, light, air or view, by reason of the fact that the property abuts upon such highway, or for any other reason, and shall further include those portions of spurs to the interstate highway system which the state highway commission shall determine and designate* as unsafe for or impeded by unrestricted access of traffic from intersecting streets or alleys or public or private roads or ways of passage.

Controlled access facility.

"(c) 'Controlled access facility' means and includes all streets, alleys, public roads, private roads and ways of passage intersecting any controlled access highway and all real property contiguous to the right-of-way of any controlled access highway.

Existing highway.

"(d) 'Existing highway' means and includes all highways, roads and streets heretofore established, constructed and in use. It shall not include new highways, roads, or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated."

Amending clause.

Section 2. That Section 3, Chapter 104, Session Laws of 1955, be, and the same is hereby amended to read as follows:

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"Section 3 — No part or portion of an interstate highway shall be designated as a controlled access highway unless the state highway commission shall, by resolution adopted by the majority vote of the members in attendance at any regular or special meeting thereof, find and determine that *it is necessary and/or desirable that the owners or occupants of the abutting land or other persons have no easement of access or only a limited easement of access, light, air or view by reason of the fact that their property abuts upon such highway or for any other reason; It is hereby declared that the requirement by the federal government that access be controlled is necessity for the passing of such resolution by the highway authorities; nor shall any part or portion of any interstate, or spurs to the interstate highway system be designated as a controlled access highway unless the state highway commission shall, by resolution adopted by the majority vote of the members in attendance at any regular or special meeting thereof, find and determine that it is necessary and/or desirable that the rights of, or easements to access, light, air or view be acquired by the State so as to prevent such part or portion of highway from becoming unsafe for or impeded by unrestricted access of traffic from intersecting streets or alleys or public or private roads or ways of passage.* Such resolution shall contain a statement of the reasons for the adoption thereof, and shall set forth the location, distance and termini of the portion of the highway designated as a controlled access highway."

Resolution prerequisite to designation as controlled access highway.

Declaration of necessity.

Section 3. That Section 4, Chapter 104, Session Laws of 1955, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 4 — **Powers of Highway Authorities.** The highway authorities of the state, counties, incorporated cities and towns, having authority to participate in the construction and maintenance of highways, are hereby authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide controlled access facilities for public use wherever such authority or authorities shall find and determine *the necessity or desirability of such controlled access facilities as defined in this chapter.* Provided, that within incorporated cities and towns, and upon county roads within counties, such authority or authorities shall be subject to the consent of the governing body. Said highway authori-

Powers of highway authorities.

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ties of the state, counties, incorporated cities and towns, in addition to the specific powers granted in this act, shall also have and may exercise, relative to controlled access facilities, any and all additional authority now or hereafter vested in them relative to highways or streets within their respective jurisdictions. Said units may regulate, restrict, or prohibit the use of such controlled access facilities by the various classes of vehicles or traffic."

Amending clause.

Section 4. That Section 11, Chapter 104, Session Laws of 1955, be, and the same is hereby amended to read as follows:

Severability.

"Section 11. **Severability.** If any section, provision, or clause of this act shall be declared invalid or inapplicable to any person or circumstance, such invalidity or inapplicability shall not be construed to affect the portions not so held or persons or circumstances not so affected. All laws or portions of laws inconsistent with the policy and provisions of this act are hereby repealed to the extent of such inconsistency in its application to controlled access facilities provided for in this act. *Provided further that nothing herein contained shall be construed to be in conflict with any federal aid highway act or any amendments to such acts.*"

Construed.

Repealing clause

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 6. This act shall take effect and be in full force from and after its passage and approval.

Approved March 5, 1957.

CHAPTER 122

An Act to Amend Section 5, Chapter 153, of the Session Laws of Montana, of 1955, Relating to the Montana State Board of Pardons; Providing for a Director and Employees and Salaries to be Paid Monthly, and Auditing and Approval by the State Board of Examiners; Providing the Salary of Director Shall be Seven Thousand Dollars ($7,000.00) Per Annum Payable Monthly; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing This Act Shall

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be in Full Force and Effect From and After its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 5 of Chapter 153, of the Session Laws of Montana, of 1955, be, and the same is hereby amended to read as follows:

State director of probation to be appointed.

"The board shall appoint a state director of probation and parole, hereinafter referred to as the 'director' who shall appoint, with the approval of the board, an assistant director, probation and parole officers and other employees required to administer the provisions of this act. The director shall receive an annual salary of *seven thousand dollars ($7,000.00) per annum* payable monthly. All other officers and employees of the board shall receive such compensation for their services as may be fixed by the board. All officers and employees of the board shall hold office at the pleasure of the board and shall perform such duties as are imposed on them by law or by the board.

Assistant and other employees.

Compensation.

Tenure.

"The salaries of all officers and employees of the board shall be paid monthly after such salaries have been approved by the board upon claims therefore, to be audited and approved by the state board of examiners."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 5, 1957.

CHAPTER 123

An Act to Amend Sections 92-1101, 92-1103, 92-1104, 92-1105, and 92-1110 of the Revised Codes of Montana of 1947, Relating to the Establishment of the Industrial Insurance Fund and the Manner of Fixing Premium Rates Paid by Employers Who Elect to be Bound by Compensation Plan No. Three (3) of the Workmen's Compensation Act and Repealing Section 92-1109 and 92-1111, Revised Codes of Montana.

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1947, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 92-1101 (2990) of the Revised Codes of Montana of 1947 be amended to read as follows:

"Section 92-1101. (2990) **What Necessary in Electing Plan No. 3 — Percentage of Payroll to be Paid in Under Plan.**

COMPENSATION PLAN NUMBER THREE

Plan No. 3—employers to pay premium to industrial insurance fund based on percentage of payroll.

"Every employer subject to the provisions of compensation plan No. 3 shall, in the manner herein specified pay into the *industrial insurance fund a premium based on a percentage of his payroll as determined by the industrial accident board in accordance with the provisions of this act.*"

Amending clause.

Section 2. That Section 92-1103 of the Revised Codes of Montana of 1947 be amended to read as follows:

Plan No. 3—employer to receive contract—premiums to industrial insurance fund.

"92-1103. (2991) **Computation of Assessments —** *Every employer electing to be bound by compensation plan No. 3 shall receive from the industrial accident board a contract or policy of insurance in a form approved by the board. The premium thereon shall be paid by the employer, to the industrial accident board at such times as the board shall prescribe and shall be paid over by the board to the state treasurer to the credit of the industrial insurance fund.*"

Amending clause.

Section 3. That Section 92-1104 of the Revised Codes of Montana be amended to read as follows:

Rates and classifications by the board—changes.

"92-1104. (2992) **Classifications by Board —** *The industrial accident board is hereby given full power and authority to determine premium rates and classifications as in its judgment and experience may be necessary or expedient, provided that no change in the classification or rates prescribed shall be effective until thirty (30) days after the date of the order making such change.*"

Amending clause.

Section 4. That Section 92-1105 of the Revised Codes of Montana be amended to read as follows:

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"92-1105. (2993) **Intent and Purpose of Plan No. 3.** It is the intent and purpose of compensation plan No. 3 that each industry, trade, occupation or employment coming under the provisions of said plan shall be liable to pay for injuries happening to employees coming under the provisions of the *workmen's compensation act.* Intent and purpose of plan No. 2.

"The industrial accident fund shall hereafter be known as the industrial insurance fund. Such fund shall consist of all premiums, penalties, recoveries by subrogation, interest earned upon money belonging to the fund, and securities acquired by or through use of money belonging to the fund. Industrial insurance fund.

"The industrial insurance fund shall be neither more nor less than self supporting. Employments affected by the provisions hereof shall be divided by the board for the purpose of the fund into classes, whose rates may be readjusted at such times as the board may determine. Self-supporting.

"Separate accounts shall be kept of the amounts collected and expended in each class for determining rates but for payment of compensation and dividends the fund shall be one and indivisible. The board shall determine the hazards of the different classes of occupations or industries and fix the premiums therefor at the lowest rate consistent with maintenance of a solvent industrial insurance fund, and the creation of surplus and reserves and for such purpose may adopt a system of schedule rating in such a manner as to take account of the peculiar hazard of each risk. Separate accounts for determining rates only. Board to fix premiums.

"The board in fixing rates shall provide for the expenses of administering the fund allowed by law, the disbursements on account of injuries and deaths of employees in each class, an adequate catastrophe reserve, reserves adequate to meet anticipated and unexpected losses, and such other reserves and surplus as may be determined by the board." Expenses of administration, disbursements for claimants, reserves and surplus.

Section 5. That Section 92-1109 and 92-1111 of the Revised Codes of Montana of 1947 be repealed. Repealing Sections 92-1109 and 92-1111, R.C.M., 1947.

Section 6. That Section 92-1110 of the Revised Codes of Montana of 1947 be amended to read as follows: Amending clause.

"92-1110. (2998) **Surplus in Industrial Insurance Fund.** If at the end of any *fiscal* year, *there exists in the industrial insurance fund an excess of assets over* Surplus in industrial insurance fund.

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liabilities, and a reasonable surplus, such liabilities to include necessary reserves, which excess may be divided safely, then the board may declare a dividend in such manner as the rules of the board may prescribe, to those employers who have paid premiums into the industrial insurance fund in excess of liabilities chargeable to them in the fund for that year. In determining the amount or proportion of such balance to which employer is entitled as dividends, the board shall give consideration to the prior paid premiums and accident experience of each individual employer during the dividend year."

May declare dividend.

Determination of dividend.

Amending clause.

Section 7. That Section 92-1114 of the Revised Codes of Montana of 1947 be amended to read as follows:

Collection in case of default by employer.

"92-1114. (3002) **Collection in Case of Default by Employer — Cancellation of Right to Operate Under Plan No. 3 for Failure to Pay Premium.** If any employer *under plan No. 3* shall default in any payment to the *industrial insurance fund,* the sum due may be collected by an action at law in the name of the state and such right of action shall be cumulative. The industrial accident board is hereby authorized in its discretion to cancel an employer's right to operate under plan No. 3 of the workmen's compensation act for failure to pay the premiums due the *industrial insurance fund;* provided that when the industrial accident board makes an order cancelling an employer's right for failure to pay premiums to the *industrial insurance fund* it shall be the duty of the industrial accident board to make such order at least *thirty (30)* days before the cancellation becomes effective and to send a formal notice to the sheriff or sheriffs of the county or counties where the employer is operating and it shall be the duty of the said sheriff or sheriffs to post a notice in at least three (3) conspicuous places where the workmen can readily see said notices, to the effect that the industrial accident board has cancelled the right of the said employer to operate under the act; and said notice shall give the date of the effectiveness of said order. After said cancellation date the said employer shall have the same status as an employer who is not enrolled under the workmen's compensation act.

Cancellation of right to operate under plan No. 3.

Order.

Notice.

"When an employer's right to operate has been cancelled by the board for failure to pay premiums and when the board, in its discretion finds that the prop-

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erty and assets of said employer are not sufficient to pay said premiums, the board may compromise said claim for premiums and accept a payment of an amount less than the total amount due."

Compromise allowed.

Section 8. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 7, 1957.

CHAPTER 124

An Act to Amend Section 10-603 of the Revised Codes of Montana, 1947, Concerning the Jurisdiction of District Courts in Juvenile Matters, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 10-603, of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"10-603. **Jurisdiction.** The district courts of the several counties of this state shall have jurisdiction in all cases coming within the terms and provisions of this act. It is provided that the district court shall be called the juvenile court when acting under the juvenile court laws.

Jurisdiction of district courts—juvenile court.

"The juvenile court shall have exclusive original jurisdiction in proceedings:

Exclusive original jurisdiction.

"(a) concerning any child who is delinquent;

"(b) concerning any person under twenty-one (21) years of age charged with having violated any law of the state, other than those laws relating to the commission of or attempt to commit the criminal offenses mentioned in subdivision (2) *(b)* of Section 10-602, or any person charged with having violated any ordinance of any city or town, prior to having become eighteen (18) years of age;

"(c) concerning parents who wilfully and knowingly fail to provide their children with proper food, clothing, medical attention, and opportunity to attend school.

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Jurisdiction of court until 21 years old.

"When jurisdiction shall have been obtained by the court in the case of any child, such child shall continue under the jurisdiction of the court until he becomes twenty-one (21) years of age unless discharged prior thereto, or is confined in a state custodial or correctional institution. In trials under this act the child or parent or guardian or other person having the care, custody or control of such child complained against, or any person interested in such child, shall have the right to demand a trial by jury, which shall be granted as in other cases, unless waived, or the judge of his own motion may call a jury to try such case, except that the jurisdiction of the court shall end if the child is committed to a state institution or agency.

Trial by jury may be demanded.

Jurisdiction terminates, when.

District court jurisdiction—children over age of 16.

"The district court as distinguished from the juvenile court shall have jurisdiction, as in all other criminal cases, of those offenses listed in subdivision (2) (b) of Section 10-602, where children over the age of sixteen (16) are accused."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 125

An Act Prohibiting the Possession of Beer and Liquor by Persons Under the Age of Twenty-one (21) Years; Providing a Penalty.

Be it enacted by the Legislative Assembly of the State of Montana:

Possession of beer or liquor—misdemeanor.

Section 1. Any person who shall not have reached the age of twenty-one (21) years and who shall have in his or her possession beer or liquor, shall be guilty of a misdemeanor.

Approved March 7, 1957.

CHAPTER 126

An Act to Amend Section 31-149 of the Revised Codes of Montana, 1947, Relating to Period of Suspension or Revocation; by Providing for the Application of

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Renewal of Licenses After Revocation; by Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 31-149 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Period of suspension or revocation of driver's license, one year.

"Section 31-149. **Period of Suspension or Revocation.**

Exceptions.

"(a) The board shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than one (1) year, except as permitted under Section 31-155 *and Section 32-1202, Revised Codes of Montana, 1947.*

Revocation, cause removed.

"(b) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of one (1) year from the date of *such revocation,* such person may make application for a new license as provided by law, but the board shall not then issue a new license unless and until it is satisfied after investigation of character, habits, and driving ability of such person that it will be safe to grant the privilege of driving a motor vehicle on the public highways."

Application for new license after one year.

Board's discretion to grant.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 127

An Act to Amend Section 38-208.3 of the Revised Codes of Montana, 1947, Providing for the Filing of the Order of Commitment, and All Other Instruments With the Clerk of the Court in the County of the Patients' Residences, or the County From Which the Patient is Sent to the Montana State Hospital; and Providing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amending clause.

Section 1. That Section 38-208.3, of the Revised Codes of Montana, 1947, be amended as follows:

Payment of costs of commitment proceedings.

"Section 38-208.3. **Cost of Commitment Proceedings.** In all cases provided for by this act the costs of commitment proceedings shall be paid by the county of the patients' residences, *and, after the order of commitment has been signed by the district judge of the third judicial district of the State of Montana, in and for the county of Deer Lodge, said order and all other papers relative to the commitment of said person shall be forwarded by the clerk of the district court in and for the county of Deer Lodge, to the clerk of the district court of the county of the patients' residences, or of the county from which the patient has been sent to the state hospital, and shall be placed on record and filed in that office, and shall not be placed on record and filed in the office of the clerk of the district court of Deer Lodge county, unless the patient is a resident of, or has been sent from Deer Lodge county.*"

Order and all other papers to be forwarded to clerk of court in patient's county of residence or from which sent.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 128

An Act to Amend Section 10-628, Revised Codes of Montana, 1947, Relating to Juvenile Court Committee, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 10-628, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Juvenile court committee— 3 to 7 members appointed by judge.

"10-628. **Juvenile Court Committee.** In every county of the state the judge having jurisdiction *must* appoint a committee, willing to act without compensation, composed of *not less than three (3) nor more than* seven (7) reputable citizens, which committee shall be designated as a juvenile court committee; this committee shall be subject to the call of the judge to meet and confer with him on all matters pertaining to the juvenile department of

Duties.

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the court, and shall act as a supervisory committee of detention homes, and in the selection of foster homes."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 129

An Act to Amend Section 66-1903 of the Revised Codes of Montana, 1947, Relating to and Defining the Term Real Estate Broker; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing for An Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 66-1903, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Real estate broker" defined.

"66-1903 (4058) **Real Estate Broker Defined.** A 'real estate broker,' within the meaning of this act, is a person who for a compensation, or promise thereof, sells or offers for sale, buys or offers to buy, *lists or solicits for prospective purchasers, receives or demands an advance fee,* negotiates, or offers to negotiate, either directly or indirectly, whether as the employee of another or otherwise, the purchase, sale, exchange of real estate, or any interest therein, for others, as a whole or partial vocation. The word 'person' as used in this act, shall be construed to mean and include a corporation. *The term 'advance fee' as used in this act is a fee contracted for, claimed, demanded, charged, received or collected for a listing, advertisement or offer to sell or lease property in a publication issued primarily for the purpose of promoting the sale or lease of business opportunities or real estate or for referral to real estate brokers or salesmen, other than a newspaper of general circulation, prior to the printing thereof.* The provisions of this act shall not apply to any person who purchases property for his own use or account, nor to any person, who, being the owner of property, sells, exchanges, or otherwise disposes of the same for his own account, nor to any person holding a duly executed power of attorney written in a separate

"Person" defined.

"Advance fee" defined.

Not applicable.

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instrument designated as such, from the owner granting power to consummate the sale, exchange or leasing of real estate, nor to the services rendered by an attorney at law for or on behalf of his client, nor to any receiver, trustee in bankruptcy, guardian, administrator, or executor, nor to any person acting under the order of the court, nor to any person selling under a deed of trust."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in force from and after its passage and approval.

Approved March 7, 1957.

CHAPTER 130

An Act to Amend Section 66-1910 of the Revised Codes of Montana, 1947, as Amended by Chapter 150, Laws of Montana, 1953, Providing for a Hearing by the Real Estate Commissioner Prior to Refusing, Cancelling or Revoking a Real Estate License; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing for An Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 66-1910, Revised Codes of Montana, 1947, as amended by Chapter 150, Laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Real estate brokers, license application.

"66-1910 (4065) **License — Application — Bond — Issuance — Fee.** Any person, copartnership, or corporation, desiring to carry on the business of real estate broker in this state shall make application for a license so to do upon a form prescribed by the commissioner, and shall file the same with the commissioner; when an individual makes the application, in the application shall be stated the full name of the applicant, and his business address, which shall be the place where he maintains his home office. The applicant shall file with the application a written recommendation, signed by at least five (5) responsible freeholders of the county in which the home office of the applicant is, in which the freeholders must certify that they believe the applicant

Written recommendation.

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to be a man of good moral character, and in their judgment well qualified to carry on the business of real estate broker. The applicant shall also file with his application a good and sufficient bond in the sum of five thousand dollars ($5,000.00), conditioned that the applicant shall conduct his business as real estate broker in accordance with the requirements of this act, provided that the total aggregate liability of any surety under such bond shall not exceed the face amount of the bond.

Bond.

"When a copartnership makes application for a license it shall state in the application the full name of all the partners, their business addresses, the place where the principal office shall be maintained, and the commissioner shall require a recommendation, signed by at least five (5) responsible freeholders of the county in which the home office of the copartnership is, in which the freeholders must certify that they believe that each of the members of said copartnership is a man of good moral character and in their judgment well qualified to carry on the business of real estate broker. The copartnership shall also file with their application a good and sufficient bond in the sum of five thousand dollars ($5,000.00), conditioned that the copartnership shall conduct their business as real estate brokers in accordance with the requirements of this act.

Co-partnership application for license.

Written recommendation.

Bond.

"An unincorporated association shall comply with the rules prescribed for a copartnership.

Unincorporated association.

"When a corporation makes application for a license, it shall state in its application a list of its officers and directors, and their addresses, its principal place of business in this state, which shall be deemed its home office, and the names of the officers for whom a license is asked; the commissioner shall require its filing of a recommendation for each of said officers as in the case of an individual applicant, a good and sufficient bond in the sum of five thousand dollars ($5,000.00), conditioned that the corporation shall conduct its business as a real estate broker in accordance with the requirements of this act, provided that the total aggregate liability of any surety under such bond shall not exceed the face amount of the bond.

Corporation.

Written recommendation for each officer.

Bond.

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Other proof may be required.

"The commissioner may require such other proof as he may deem advisable as to the honesty, truthfulness and good reputation of any applicant for a license, whether an individual or member of a copartnership or officer of a corporation, before issuing the license;

Waiver may be granted, on renewal, for recommendation or references.

provided, however, that if a real estate broker has once been licensed under this act, upon his application for a renewal of his license, the commissioner may, in his discretion, waive the filing of new recommendations or references.

License, term.

"Upon the filing of the application, if the same be accompanied with a proper recommendation or recommendations, bond or bonds, and fee hereinafter specified, if the commissioner is satisfied with the showing made, he shall forthwith issue the license, which shall continue thenceforward, unless revoked, until the first day of April next ensuing. If the commissioner shall

Commissioner may refuse to issue license.

not be satisfied with the showing made by the applicant, or if the necessary bond or bonds, satisfactory to the commissioner be not given, he may refuse to issue the

Applicant must appear before commissioner, when.

license, in which case the applicant *must appear before the commissioner within the time and manner provided in this act whenever a license application is refused, cancelled, or revoked.*

Fee—required before license issued.

"For every real estate broker's license issued, the commissioner shall require, before issuance, a fee of ten dollars ($10.00), provided, that if a license be taken out after the first day of October, but one-half the

One-half of regular fee, when, term.

fee shall be required, but the license shall expire on the first day of April following, and in case of licenses issued to copartnerships, unincorporated associations, and corporations, he shall require such fee for each such copartnership, unincorporated association, or corporation to whom such license is issued."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in force from and after its passage and approval.

Approved March 7, 1957.

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CHAPTER 131

An Act to Amend Section 66-1916 of the Revised Codes of Montana, 1947, Providing for Appeals to the District Court Whenever An Application for a License Has Been Refused or a License Has Been Cancelled or Revoked by the Real Estate Commissioner; Either Party May Appeal to the Supreme Court From the Judgment of the District Court; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing for An Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 66-1916 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Refusal by commissioner after hearing, cancellation or revocation —appeal to district court.

"66-1916 (4071) **Suspension or Revocation — Appeal and Bond.** If the commissioner, *after a hearing as provided in this act,* shall refuse to grant an application for a license or shall *cancel* or revoke a broker's or salesman's license and the broker or salesman shall feel aggrieved by the decision of the commissioner, he may appeal to the district court of the county in which he has his principal place of business by giving notice of such appeal in writing to the commissioner and filing a bond with the clerk of the district court in the sum of three hundred dollars, ($300.00) to be approved by the judge of said court, conditioned to pay all costs that may be awarded against such appellant in the event of an adverse decision, said bond and notice to be filed within ten (10) days from the date of the commissioner's decision. The filing of such notice and bond shall supersede the order of the commissioner until the final termination of such appeal. The judge of the court shall summarily hear and determine the questions involved upon said appeal, and shall receive and consider any pertinent evidence whether oral or documentary concerning the matter. If such aggrieved party shall fail to perfect his appeal or file said transcript as herein provided, said stay shall automatically terminate. Appeals from judgment of the district court may be taken to the supreme court in the same manner as appeals are taken in civil actions."

Notice of appeal.

Bond.

Notice and bond filed to supersede order of commissioner.

Hearing.

Appeals to the supreme court.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in force from and after its passage and approval.

Approved March 7, 1957.

CHAPTER 132

An Act to Amend Section 66-1917 of the Revised Codes of Montana, 1947, Requiring the Commissioner of Real Estate to Provide a Hearing Before Denying Any Application for a License or Before Canceling or Revoking Any License; Notice Shall be Given the Applicant or Licensee; the Hearing Shall be Held Before the Commissioner; Powers of Commissioner Concerning Oaths, Subpoenas, Process and Witnesses; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing for An Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 66-1917 (4072) of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"66-1917 (4072) **Power of Commissioner Concerning** *Hearings,* **Oaths, Subpoenas, Process and Witnesses.**

Power of commissioner concerning hearing, oaths, subpoenas, process and witnesses.

"The commissioner shall, before denying the application for a license or before canceling or revoking any license, set the matter down for a hearing and, at least ten (10) days prior to the date set for the hearing, shall

Notice prior to hearing.

notify the applicant or licensee in writing, which notice shall contain an exact statement of the charges made and the date and place of the hearing and shall afford the applicant or licensee an opportunity to be heard in person or by an attorney in reference thereto. The written notice may be served by delivering it personally to the applicant or licensee, or by mailing it by registered mail to the last known business address of the applicant or licensee. If the applicant or licensee is a salesman the commissioner also shall notify the broker employing him or in whose employ he is about to enter by mailing notice by registered mail to the broker's last known business address. The hearing on such charges shall be held

Service.

Hearing.

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before the commissioner at such time and place as the commissioner shall prescribe, and the hearing may be continued from time to time. The commissioner shall have power to administer oaths, certify to all official acts and shall have power to subpoena and bring before him any person in this state as a witness, compel the production of books and papers, and take the testimony of any person by deposition in the same manner as is prescribed by law in the procedure of the district courts of this state in civil cases. Process issued by the commissioner shall extend to all parts of the state and may be served by any person authorized to serve process. Each witness who shall appear by order of the commissioner shall receive for his attendance the same fees and mileage allowed by law to a witness in civil cases appearing in the district court, which amount shall be paid by the party at whose request such witness is subpoenaed. When any witness who has not been required to attend at the request of any party shall be subpoenaed by the commissioner, his fees and mileage shall be paid in the same manner as other expenses of said department are paid."

Depositions.

Witness fees.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in force from and after its passage and approval.

Effective immediately.

Approved March 7, 1957.

CHAPTER 133

An Act to Amend Section 93-9913, Revised Codes of Montana, 1947, Relating to the Date With Respect to Which Compensation Shall be Assessed, and the Measure Thereof, by Providing That the Cost of Removal of Personal Property From Condemned Real Property and the Damage to Such Personal Property, If Any, Incurred by Such Removal Shall be Included in the Measure of Compensation; Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amending clause.

Section 1. That Section 93-9913, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Right to compensation and damages accrue at date of summons.

Actual value, measure of compensation and damages, cost of removal of personal property.

Interest, when allowed.

Improvements subsequent not included.

"93-9913. (9945) **The Date with Respect to Which Compensation Shall be Assessed, and the Measure Thereof.** For the purpose of assessing compensation and damages, the right thereto shall be deemed to have accrued at the date of the summons, and its actual value at that date shall be the measure of compensation of all property to be actually taken, and the basis of damages to property not actually taken, but injuriously affected, *and the cost of removal of all necessary personal property from the condemned real property and of the damage to such personal property, if any, incurred by such removal.* If an order be made letting the plaintiff into possession, as provided in Section 93-9920, the compensation and damages awarded shall draw lawful interest from the date of such order. No improvements put upon the property, subsequent to the date of the service of summons, shall be included in the assessment of compensation or damages."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 134

An Act to Amend Section 38-211, Revised Codes of Montana, 1947, Relating to the Fees and Expenses of Physicians Attending Examination of an Insane Person; and Providing for An Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 38-211, Revised Codes of Montana, 1947, relating to the fees and expenses of physicians attending examination of an insane person, be, and the same is hereby amended to read as follows:

Fees and expenses of physicians attending examination of an insane person.

"38-211. The physicians attending each examination of an insane person are allowed *each such fee as may be fixed and determined by the court* and in addition their actual traveling expenses, not to exceed the sum of ten

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cents (10¢) for each and every mile actually and necessarily traveled by said physician in attending said examination, and in returning to his home therefrom, to be paid by the county treasurer of the county, where the examination was had, on the order of the judge.

Certificate from clerk of court.

The clerk of the district court must give to such physician a certificate, under seal, of travel and attendance, which shall entitle him to receive the amount therein stated from the county treasurer."

Effective immediately.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1957.

CHAPTER 135

An Act to Amend Section 94-2702, Revised Codes of Montana, 1947, Relating to the Uttering of Fraudulent Checks or Drafts or Orders for the Payment of Money; Providing Penalties for Violations; Providing for Prima Facie Evidence of Intent and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 94-2702 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Uttering fraudulent checks or drafts— no funds or insufficient funds.

"Section 94-2702. (11369) **Uttering Fraudulent Checks or Drafts — Evidence.** Any person who *for himself or as the agent or representative of another or as an officer of a corporation, wilfully,* with intent to defraud shall make or draw or utter or deliver, *or cause to be made, drawn, uttered or delivered,* any check, draft or order for the payment of money upon any bank *or depositary, or person, or firm, or corporation,* knowing at the time of such making, drawing, uttering or delivery that the maker or drawer has *no funds or insufficient funds* in or credit with such bank or depositary, *or person, or firm, or corporation,* for the payment of such check, draft, or order *in full upon its presentation,* although no *express* representation is made *with the* reference thereto, shall *upon conviction be punished as*

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Punishment, no funds.

follows: If there are no funds in or credit with such bank or depositary, or person, or firm, or corporation, for the payment of any part of such check, draft or order, upon presentation, then in that case the person convicted shall be punished by imprisonment in the state prison not exceeding five (5) years, or by a fine not exceeding five thousand dollars ($5,000.00) or by both such fine and imprisonment; if such check, draft or order be for

$25.00 or less and insufficient funds.

a sum of twenty-five dollars ($25.00) or less, and there are some but not sufficient funds in or credit with such bank, or depositary, or person, or firm, or corporation, for the payment of such check, draft or order in full, then in that case the person so convicted shall be punished by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding three hundred dollars ($300.00) or by both such fine and imprisonment; if such check, draft or order be for a sum greater

More than $25.00 and insufficient funds.

than twenty-five dollars ($25.00) and there are some but not sufficient funds in or credit with such bank, or depositary, or person, or firm, or corporation, for the payment of such check, draft or order in full upon its presentation, then in that case the person so convicted shall be punished by imprisonment in the state prison not exceeding five (5) years, or by a fine not exceeding five thousand dollars ($5,000.00) or by both such fine and imprisonment. As against the maker or drawer thereof, the making, drawing, uttering or delivering of *such*

Prima facie evidence.

check, draft or order as aforesaid shall be prima facie evidence of intent to defraud and of knowledge of no funds or insufficient funds, as the case may be, in or credit with such bank, or depositary, or person, or firm, or corporation, for the payment of such check, draft or

Proviso— 5 days to pay.

order in full upon its presentation, provided such maker or drawer shall not have paid the drawee thereof the amount due thereon, within five (5) days after receiving notice that such check, draft, or order has not been paid

"Credit" defined.

by the drawee. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank, *depositary, person, firm or corporation,* for the payment of such check, draft or order."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

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CHAPTER 136

An Act to Amend Section 69-2701, Revised Codes of Montana, 1947, Relating to the Definition of Fireworks; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 69-2701 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"69-2701. The term 'fireworks' shall mean and include any combustible, or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation *as known and defined under the interstate commerce commission regulations for the transportation of explosives and other dangerous articles as class B fireworks, requiring a red label for shipment of the same in interstate commerce and specifically including sky rockets.*" "Fireworks" defined. I.C.C. regulations to be determinative. "Skyrockets" included.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 7, 1957.

CHAPTER 137

An Act to Amend Section 84-708, Revised Codes of Montana, 1947, Relating to the Powers and Duties of the State Board of Equalization, by Adding to Section 18 Thereof Further Powers and Duties Pertaining to Gathering and Reporting Information Concerning Wholesale Prices on Gasoline and Containing a Repealing Clause and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 84-708 of the Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows: Amending clause.

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Powers and duties of state board of equalization.

"84-708. (2122.8) **Powers and Duties.** It shall be the duty of the board and it shall have power and authority in addition to any authority under the present statutes:

Rules and regulations.

"(1) To prescribe rules and regulations, not in conflict with the constitution and laws of the State of Montana, to govern county boards of equalization and the assessors of the different counties in the performance of their duties.

Forms for assessment.

"(2) To prepare and enforce the use of forms in relation to the assessment of property.

To assess and apportion.

"(3) To annually assess the franchise, roadway, roadbeds, rails, and rolling stock, and all other property of all railroads, and the pole lines and rights-of-way and all other property of all telegraph and telephone lines, electric power and transmission lines, ditches, canals and flumes, and other similar property, constituting a single and continuous property operated in more than one county in the state, and to apportion such assessments to the counties in which such properties are located on a mileage basis; provided, however, that lots and parcels of real estate not included in right-of-way, with the buildings, structures, and improvements thereon, dams and power houses, depots, stations, shops and other buildings, erected upon right-of-way, furniture, machinery, and other personal property, shall not be considered as a part of any such single and continuous property, but shall be considered as separate and distinct therefrom, and shall be assessed by the county assessor of the county wherein they are situate.

To transmit apportionment to counties.

"(4) To transmit to the county clerk of each county its apportionment of all assessments made by such board.

To adjust and equalize valuation of taxable property.

"(5) To adjust and equalize the valuation of taxable property among the several counties, and the different classes of taxable property in any county, and in the several counties and between individual taxpayers; supervise and review the acts of county assessors and county boards of equalization; change, increase or decrease valuations made by county assessors or equalized by county boards of equalization; and exercise such authority and do all things necessary to

Supervision over county assessors and boards of equalization.

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secure a fair, just and equitable valuation of all taxable property among counties between the different classes of property and between individual taxpayers.

General supervision of administration of tax laws and revenue laws.

"(6) To have and exercise general supervision over the administration of the assessment and tax laws of the state, and over assessors, county board of equalization, boards of county commissioners, and other officers of municipal corporations, having any duties to perform under any of the laws of this state relating to taxation to the end that all assessments of property be made relatively just and equal at true value in substantial compliance with law, and to supervise the administration of all revenue laws of the state and assist in their enforcement, and for that purpose may visit each county in the state whenever deemed necessary, and may call, not to exceed one meeting of the county assessors each year at the capitol, for consultation and instruction, the expense of such attendance to be paid by the respective counties.

Advise and direct cities on taxation.

"(7) To confer with, advise and direct officers of municipal corporations as to their duties, with respect to taxation, under the statutes of the state.

Enforcement.

"(8) To direct proceedings, actions and prosecutions to be instituted to enforce the laws relating to the penalties, liabilities and punishment of public officials and persons, or their agents, for failure or neglect to comply with the provisions of the statutes governing the revenue of the state or municipal corporations; and to cause complaints to be made against assessors and other public officers to the proper district court for their removal from office for official misconduct or neglect of duty.

Assistance to county attorneys.

"(9) To require county attorneys to assist in the commencement and prosecution of actions and proceedings for penalties, forfeitures, removals and punishment for violations of the laws of the state in respect to the assessment of property and other revenue laws, in their respective counties.

Collections.

"(10) To collect annually from the proper officers of the municipal corporations information as to the assessment of property, collection of taxes, receipts from licenses and other sources, the expenditure of public

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funds for all purposes, and such other information as may be needful and helpful in the work of the board in such form and upon such blanks as the board shall prescribe; and it shall be the duty of all public officers so called upon to fill out properly and return promptly to the board all blanks so transmitted and in every way aid the board in its work; to examine the records of all municipal corporations for such purposes as are deemed needful or helpful by the board.

Inspection and examination of records.

"(11) In its discretion, to inspect and examine, or cause an inspection and examination of the records of the officers of any municipality, whenever such officer shall have failed, neglected or refused to return properly the information required by this section within the time set by the board. Upon completion of such inspection and examination the board shall transmit to the clerk, or other proper official of the municipality, a statement of the expenses incurred by the board to secure the necessary information. A duplicate of such statement shall be filed in the office of the state board of examiners and when approved and allowed shall be paid the same as other expenses of the board. Within sixty (60) days, after the receipt by the municipality of the above statement, the same shall be audited, as other claims of the municipal corporation are audited and shall be paid into the state treasury and if the same is not so paid the attorney general shall institute an action in the proper court, against the municipality to recover the same.

Municipal officers liable for losses by city.

"The officers responsible for the furnishing of the information collected pursuant to this section, shall be jointly and severally liable for any loss the municipality may suffer, through their delinquency; and no payment shall be made to them for salary, or on any other account, until the cost of such inspection and examination as provided above shall have been paid into the treasury, or to the proper officers of such municipality. They shall also be subject to such other fines and penalties as prescribed by law.

To require persons to furnish information.

"(12) To require persons, as defined above, to furnish information concerning their capital, funded or other debt, current assets and liabilities, cost and value of property, earnings, operating and other expenses,

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taxes and all other facts which may enable the board to ascertain the value of the relative burdens borne by all kinds of property and occupations in the state.

Summons.

"(13) To summon witnesses to appear and give evidence, and to produce records, books, papers and documents relating to any matter which the board shall have authority to investigate and determine.

Depositions.

"(14) To cause the deposition of witnesses residing within or without the state, or absent therefrom, to be taken upon notice to the interested party, if any, in like manner that depositions are taken in actions pending in the district court, in any matter which the board shall have authority to investigate and determine.

Examination where laws ineffective, improper or negligently administered.

"(15) To examine into all cases where evasion or violation of the laws for taxation of property, proceeds, occupation or business is alleged, complained of or discovered, and to ascertain wherein existing laws are ineffective or are improperly or negligently administered.

Investigate tax systems of other states, recommend legislation.

"(16) To investigate the tax systems of other states and countries and to formulate and recommend legislation for the better administration of the fiscal laws so as to secure just and equal taxation and improvement in the system of taxation and the economical expenditure of public revenue in the state.

Consult with governor.

"(17) To consult and confer with the governor of the state upon the subject of taxation, the administration of the laws relating thereto and the progress of the work of the board, and to furnish the governor such assistance as he may require.

Report to the governor on taxable value of property.

"(18) To transmit to the governor and to each member of the legislature twenty (20) days before the meeting of the legislature, a report of the board, showing all the taxable property of the state and the valuc of the same in tabulated form, with recommendations for improvements in the system of taxation, together with such measures as may be formulated for the consideration of the legislature; *and to include therein a report showing the selling price of gasoline at the wholesale level in prime market centers of Montana and in surrounding states during the biennium, with indexes*

Report to include wholesale gas prices in Montana and other states—comparison.

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tabulated at sufficient intervals to show the comparative state price structures."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1957.

CHAPTER 138

An Act Relating to Credits and Refunds; Providing for the Period Within Which Claim Must Be Made; Providing for a Hearing Upon the Claim and for Review by the Court, by the Taxpayer and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Credits and refunds on over payment of income tax.

Section 1. **Credits and refunds.** Where there has been an overpayment of any income tax imposed by this chapter, the amount of such overpayment shall be credited against any income tax or installment thereof then due from the taxpayer, and any balance of such excess shall be refunded to the taxpayer.

Claim must be filed within 3 years after tax paid.

6 months to determine.

Approved claim—payment within 60 days.

Hearing if claim disallowed.

Review.

No such credit or refund shall be allowed or made after three (3) years from the time the tax was paid, unless before the expiration of such period a claim therefor is filed by the taxpayer. Within six (6) months after the claim is filed the state board of equalization shall examine said claim and either approve or disapprove it. If said claim is approved, the credit or refund shall be made to the taxpayer within sixty (60) days after the claim is approved; if the claim is disallowed, the state board of equalization shall so notify the said taxpayer and shall grant a hearing thereon before the state board of equalization. If the board disapproves a claim for refund, review of the determination of the board may be had as otherwise provided in this chapter.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

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CHAPTER 139

An Act Providing That Any Justice of the Supreme Court of the State of Montana Who Becomes a Candidate for Any Elective Office Except as a Bona Fide Candidate for Re-election to the Office Then Occupied by Such Justice Shall at or Before Filing for Said Elective Office as Required by Law Resign the Office Then Held; Providing That the Office of Any Said Justice of the Said Supreme Court Failing to so Resign Shall Become Vacant; Giving Directions With Reference to the Filling of Such Vacancy and for the Repeal of Any and All Acts, Statutes or Code Provisions In Conflict Therewith; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Chief justice or associate justices on supreme court to resign if candidate for election to any elective office, except in case of re-election to same office held or for another nonpartisan judicial office, term.

Section 1. Whenever any person holding or occupying the office of chief justice or associate justice on the supreme court of the State of Montana shall become a candidate for election to any elective office under the laws of/or in the State of Montana, such person shall forthwith, and in any event at or before the time required for such person to file as a candidate for such office at any primary or special or general election, resign said office of chief justice or associate justice of said supreme court except where such person is a bona fide candidate for re-election to the identical office then held or occupied by him or for another nonpartisan judicial office the term of which shall commence not earlier than the end of the term of the office then held or occupied by such justice and said resignation shall become effective forthwith on delivery of the same to the proper officer or superior, and in the event of failure so to resign said office of chief justice or associate justice of said supreme court or of district judge of any of said district courts the same shall, ipso facto, become wholly vacant and unoccupied and the said former holder or occupant shall have no further right, power, or authority therein for any purpose, and no right to any emoluments thereof, notwithstanding the fact that a successor is not appointed or elected; and said vacancy shall become operative to deprive any person of the emoluments of said office then held in order to carry out the policy of this act.

Effective on delivery.

Failure to so resign—vacancy.

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Appointment to fill such vacancy.

Section 2. In all cases the proper appointing or other power shall promptly fill all vacancies occurring because of the provisions of this act by appointment of competent and qualified persons according to law.

Repealing clause.

Section 3. All acts and parts of acts, statutes and/or code provisions inconsistent herewith are, and each thereof is, hereby expressly repealed.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1957.

CHAPTER 140

An Act to Amend Sections 87-103, 87-105, Revised Codes of Montana, 1947, as Amended by Chapter 238, Laws of 1955; and Amending Section 87-104, as Amended by by Chapter 191, Laws of Montana, 1953, Relating to Unemployment Compensation; Increasing Amount and Duration of Benefits; Providing Eligibility Conditions; Reducing Waiting Period; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 87-103, Revised Codes of Montana, 1947, as last amended by Chapter 238, Montana Session Laws, 1955, be, and the same is hereby amended to read as follows:

Benefits, payment.

"87-103. **Benefits.** (a) **Payment of benefits.** Thirty (30) months after the date when contributions first accrue under this act from the employer, benefits shall become payable from the fund to any individual, who thereafter is or becomes unemployed and eligible for benefits as is herein prescribed; provided, however, that wages earned for services performed as an employee representative as defined in the railroad unemployment insurance act (52 Stat. 1094), or for services performed for an employer, as defined in said act, shall not be included for the purposes of determining eligibility or weekly benefit amount under this act with respect to any benefit year commencing on or after July 1, 1939, nor shall any benefits with respect to unemployment occurring on and after July 1, 1939, be

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payable on the basis of such wages under any provisions of this act. All benefits shall be paid through public employment offices in the State of Montana, or other agencies designated by the commission, in accordance with such rules and regulations as the commission may prescribe.

Weekly benefit amount.

"(b) **Weekly benefit amount.** Except as provided in section (c), an insured worker's weekly benefit amount shall be the amount in column B of the benefit schedule of this subsection on the line on which in column A there appears his total wages paid for insured work in that quarter of his base period in which his wages were highest: (designated in the benefit schedule as 'High-quarter wages').

Benefit schedule.

Benefit Schedule

"Weekly benefit amount figures from weighted schedule of high-quarter wages and qualifying wages computed as one and one-half times high-quarter wages and maximum potential benefits in benefit year.

High Quarter Wages (Column A)	Weekly Benefit Amount (Column B)	Minimum Qualifying Wages (Column C)	Maximum Total Benefits (at 22 Weeks) (Column D)
$170.00-189.99	$10.00	$ 255.00	$220.00
190.00-209.99	11.00	285.00	242.00
210.00-234.99	12.00	315.00	264.00
235.00-259.99	13.00	352.50	286.00
260.00-284.99	14.00	390.00	308.00
285.00-309.99	15.00	427.50	330.00
310.00-334.99	16.00	465.00	352.00
335.00-359.99	17.00	502.50	374.00
360.00-384.99	18.00	540.00	396.00
385.00-409.99	19.00	577.50	418.00
410.00-434.99	20.00	615.00	440.00
435.00-459.99	21.00	652.50	462.00
460.00-484.99	22.00	690.00	484.00
485.00-509.99	23.00	727.50	506.00
510.00-534.99	24.00	765.00	528.00
535.00-559.99	25.00	802.50	550.00
560.00-584.99	26.00	840.00	572.00
585.00-609.99	27.00	877.50	594.00
610.00-634.99	28.00	915.00	616.00
635.00-659.99	29.00	952.50	638.00
660.00-684.99	30.00	990.00	660.00
685.00-709.99	31.00	1,027.50	682.00
710.00 or more	32.00	1,065.00	704.00

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Maximum and minimum weekly benefit.

"Such benefit shall be not more than *thirty-two* dollars *($32.00)* per week nor less than ten dollars ($10.00) per week.

Qualifying wages.

"(c) **Qualifying Wages.** To qualify as an insured worker an individual must have been paid wages for insured work in his base period totaling not less than the amount in column C of the benefit schedule in subsection (b) on the line on which in column B there appears his weekly benefit amount; provided, that if any individual during his base period has not been paid such an amount but has been paid wages totaling not less than *an* amount appearing in column C, he can qualify as an insured worker and his benefit amount shall be the amount appearing in column B opposite the minimum qualifying wage which he has received."

Wage records.

"(d) **Wage Record.** The commission shall maintain a record of the wages paid to an individual in accordance with wages earned by him for employment by employers during each quarter.

Accrued benefits at death.

"(e) **Benefits.** All accrued benefits due and payable at the time of death to any deceased claimant shall be paid to the surviving spouse, or if there be no surviving spouse, then to the surviving children, or if there be no surviving children, then to the next of kin, without the necessity of any recipient obtaining letters testamentary or of administration."

Amending clause.

Section 2. That Section 87-105 of the Revised Codes of Montana of 1947, as last amended by Chapter 238, Montana Session Laws of 1955, be, and the same is hereby amended to read as follows:

Benefit eligibility conditions.

"87-105. **Benefit Eligibility Conditions.** An unemployed individual shall be eligible to receive benefits *for any week of total unemployment within his benefit year;* only if the commission finds that—

Register and report.

"(a) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the commission may prescribe, except that the commission may, by regulation, prescribe that such types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive, or would be incon-

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sistent with the purposes of this act, provide for registration and reporting for work by mail or through other governmental agencies.

Claim per section 87-107 (a), R.C.M., 1947.

"(b) He has made a claim for benefits in accordance with the provisions of section 87-107 (a).

Able, available and seeking work.

"(c) He is able to work and is available for work and is seeking work, provided, however, that no claimant shall be considered ineligible in any week of unemployment for failure to comply with the provisions of this subsection if such failure is due to an illness or disability which occurs after he has registered for work and no suitable work has been offered to such claimant after the beginning of such illness or disability."

Illness or disability subsequent excepted.

Amending clause.

Section 3. That Section 87-104, Revised Codes of Montana, 1947, as last amended by Chapter 191, Montana Session Laws, 1953, be, and the same is hereby amended to read as follows:

Duration of benefits, maximum of 22 times weekly benefit.

"87-104. **Duration of Benefits.** The maximum total amount of benefits payable to any eligible individual during any benefit year shall not exceed twenty-*two (22)* times his weekly benefit amount."

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective April 1, 1957; prospective operation.

Redetermination of insured status.

Section 5. This act shall be in full force and effect from and after April 1, 1957, and section 1 shall apply to all benefit years beginning after April 1, 1957, and the insured status of all claimants who have a benefit year current on or after April 1, 1957, shall be redetermined and benefits shall be paid in accordance with this provision, provided that no insured worker shall have his benefits reduced or denied by redetermination resulting from the application of this provision.

Approved March 7, 1957.

CHAPTER 141

An Act to Provide Educational Opportunities in the Units of the Greater University of Montana for the Children of Members of the Armed Forces of the United States Killed While in the Armed Services of

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the United States or Dying as a Result of a Disability or Disease Incurred While in Said Services During World War II and/or the Korean Conflict; Repealing Chapter 201, Laws of 1955; Providing for the Waiver of Fees; Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Authority of state board of education to waive fees for war orphans of deceased members of armed services during Korean conflict and world war II, for attendance at any units of the greater university of Montana.

Section 1. **War Orphans Attendance to be Without Fees** — There shall be established under this act the authority of the state board of education to waive, the charges for the matriculation, tuition, any and all educational fees, for such children of members of the armed forces of the United States who served on active duty during world war II and/or the Korean conflict and who, at the time of entry into such service, had legal residence in this state and who were heretofore, or shall hereafter be, either killed in action or shall have died as a result of injury, disease, or other disability incurred while in the service of the armed forces of the United States, as are now attending or may hereafter attend any of the units of the greater university of Montana, provided any such child shall enter such institution prior to attaining the age of twenty-one (21) years.

Board of education to determine eligibility.

Section 2. **Board of Education to Determine Eligibility.** The state board of education shall determine the eligibility of any such child who shall make application for the benefits provided for in this act, and a finding by the United States veterans' administration that any such member was killed in action or died as the result of injury or other disability incurred in action shall be binding upon said board, but in the absence of such finding said board of education shall determine the facts.

Supervision of attendance and charges.

Section 3. **Supervision of Attendance and Charges.** The state board of education shall satisfy itself of the attendance of any such child at any such institution.

Repealing ch. 201, laws of 1955, and acts or parts of acts in conflict.

Section 4. That Chapter 201 of the Laws of 1955, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

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CHAPTER 142

An Act to Amend Section 46-801 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 110 of the Laws of 1949, as Amended by Section 1 of Chapter 184 of the Laws of 1953, Relating to Inspection of Livestock Before Removal From Any County in the State; Providing for An Exception for Animals Hauled to a Point in an Adjoining County for Shipment by Railroad Where Stock Inspector is Located or Available, and for Which Movement a Transportation Permit Has Been Obtained; to Amend Section 46-802 of the Revised Codes of Montana, 1947, as Amended by Section 2, Chapter 184 of the Laws of 1953, Relating to the Duties of State Stock Inspectors and Deputy State Stock Inspectors and Providing for Issuance of a Transportation Permit to Owner or Owners of Animals for Delivery of His Livestock to a Railroad Shipping Point in an Adjoining County; to Amend Section 46-804 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 106 of the Laws of 1949, as Amended by Section 3 of Chapter 184 of the Laws of 1953, Relating to the Fees for Inspection of Livestock and Providing for Fees for Issuance of Market Consignment Permit or Transportation Permit for Removal of Animals From County; to Amend Section 46-806 of the Revised Codes of Montana, 1947, as amended by Section 4 of Chapter 184 of the Laws of 1953, Relating to the Penalties for Violations of the Livestock Inspection Laws and Providing Penalties for Failure to Obtain Transportation Permit as Required by Law, for Failure to Deliver Animals to Destination Shown on Such Permit and to Have Such Animals So Transported Inspected at Destination, or for Failure to File Loading Tally With Carrier as Provided in Section 46-1008 of the Revised Codes of Montana, 1947, and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 46-801 of the Revised Codes of Montana, 1947, as amended by Section 1 of Chapter 110 of the Laws of 1949, as amended by Section 1 of

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Chapter 184 of the Laws of 1953, be, and the same is hereby amended to read as follows:

Inspection of livestock before removal from county.

"46-801. **Inspection of Livestock Before Removal From County.** (1) Except as in this act otherwise provided, it shall be unlawful to remove or cause to be removed from any county in this state any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly, by means of any railroad car, motor vehicle, trailer, horse-drawn vehicle, boat or in any manner whatsoever unless such animal shall have been inspected for brands by a state stock inspector or deputy state stock inspector and certificate of such inspection shall have been issued in connection with and for the purpose of such transportation or removal as in this act provided. Such inspection must be made in daylight.

"(2) It shall be unlawful to sell or offer for sale at a livestock market any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly originating within any county in the State of Montana in which a livestock market is maintained, or transported under a market consignment permit until such animal has been inspected for marks and brands by a state stock inspector, as in this act provided.

"(3) It shall be unlawful to remove or cause to be removed any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly from the premises of any livestock market in this state unless such animal shall have been inspected for marks and brands by a state stock inspector and an inspection certificate for such animal shall have been issued in connection with and for the purpose of such removal from the premises of such livestock market, as in this act provided.

"(4) The person in charge of any such cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly being removed from any county in this state, where inspection thereof is required by this act or when moved under a market consignment permit shall have in his possession the certificate of inspection or market consignment permit issued in connection therewith, and shall exhibit the same to any sheriff, deputy sheriff, constable, highway patrolman, state stock inspector or deputy state stock inspector at the request

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of either of them and the provisions of section 46-803 shall be extended to livestock transported under the above-mentioned permits.

"(5) In case of saddle, work or show horse or horses being transported from county to county within the state by the owner thereof for his personal use or business and where there is no change of ownership, the inspection certificate as required by this act, may be endorsed as to purpose and extent of transportation by the inspector issuing same in order to serve as a travel permit within the state for a period not to exceed one year for the horse or horses described thereon. Such permit becomes void upon any transfer of ownership or if such horse or horses are to be removed from the state. In such instances an inspection must be secured for removal and the endorsed certificate surrendered.

"(6) The provisions of section 1 of this act (this section) shall not apply. Exceptions.

"(a) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly being transported through the state in interstate commerce without leaving the custody of the carrier;

"(b) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly transported by railroad consigned to and which, without leaving the custody of the carrier, does reach a market at which the livestock commission of the state of Montana regularly maintains a stock inspector, and for which animal a loading tally has been filed by the shipper with the carrier as provided in section 46-1008;

"(c) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly when driven on the hoof and not moved by means of any motor vehicle, trailer, horse-drawn vehicle, railroad car or boat, by the owner from one (1) county to the next adjoining county within the State of Montana on to land owned or controlled by the owner of livestock so moved for the purpose of pasturing, feeding or changing the range thereof;

"(d) to any cow, ox, bull, stag, calf, steer, heifer, horse, mule, mare, colt, foal or filly when driven on the

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hoof or moved by means of any motor vehicle, trailer, horse-drawn vehicle, railroad car or boat, by the owner from one (1) county to the next adjoining county within the state of Montana on to land owned or controlled by the owner of livestock without leaving land owned or controlled by such owner when moved for the purpose of pasturing, feeding, or changing the range thereof;

"(e) to any animal or animals when driven on the hoof from one (1) county to an adjoining county within the state for the purpose of shipment by railroad or delivery to a licensed public market by any person who has been the owner of said animal or animals for a period of at least three (3) months;

"(f) to any such animal or animals from one (1) county to be consigned to, and which actually reach by means other than railroad a licensed livestock market located in another county of the state at which the livestock commission of the State of Montana regularly maintains a stock inspector, and for which a market consignment permit has been obtained in the manner provided by law;"

(g) to any such animal or animals when hauled by truck or trailer from one county to an adjoining county within the state for the purpose of shipment by railroad at which shipping point the livestock commission of the State of Montana maintains a stock inspector or where a deputy state stock inspector is available, and for which a transportation permit has been obtained in the manner provided by law.

Amending clause.

Section 2. That Section 46-802 of the Revised Codes of Montana, 1947, as amended by Section 2, Chapter 184 of the Laws of 1953, be, and the same is hereby amended to read as follows:

Duties of state stock inspectors, sheriffs and deputy sheriffs.

"46-802. **Duties of State Stock Inspectors and Deputy State Stock Inspectors.** It shall be the duty of state stock inspectors and deputy state stock inspectors, upon the application of the owner of any such animal referred to in section 46-801, or the duly authorized agent of such owner, to inspect all such animals intended for removal or shipment as in this act provided, and to issue his certificate of inspection therefor, if it shall appear with

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reasonable certainty that the applicant is the owner of such animal or has the lawful right to the possession thereof.

"The inspection herein provided for shall include such examination of the animal and all marks and brands thereon as to identify the same. The certificate of inspection shall be made in triplicate and shall specify the date of inspection, the place of origin and place of destination of the shipment, the name and address of the owner of the animal or of the applicant for inspection, the class of the animal as specified in section 46-801, the marks and brands, if any, upon the animal, and such other information and upon such form of certificate as the livestock commission may from time to time require. One (1) copy of the certificate shall be retained by the inspector, one (1) copy thereof shall be furnished by the inspector to the owner or shipper of the animal, and one (1) shall be filed by the inspector with the secretary of the livestock commission at Helena, Montana, within five (5) days.

Market consignment or transportation permit procedure.

State stock inspector, deputy, sheriff and deputy sheriff.

"If it shall appear with reasonable certainty that the applicant is the owner of such animals or has the lawful right to the possession thereof, the state stock inspectors or deputy state stock inspectors *or any sheriff or deputy sheriff,* upon application of an owner or his agent of any such animal or animals to be consigned and delivered directly to a licensed livestock market located in another county of the state, *or delivered directly to a railroad shipping point in an adjoining county,* shall issue to such person a separate market consignment permit *or transportation permit* for each owner when the owner, or owners, or their duly authorized agents sign such permit certifying the brands, description and destination of such animals. The market consignment permit *or transportation permit* shall be made in triplicate, shall specify the date and time issued, the place of origin and place of destination of the shipment, the name and address of the owner of the animal or animals and the name and address of the person actually transporting the animal or animals if different than the owner, the kind of animal or animals, the marks and brands, if any, upon the animal or animals, a description of the vehicle or vehicles to be used to transport such animal or animals to include the license number of such vehicle or vehicles and

Issuance of market consignment permit or transportation permit.

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such other information and upon such form of permit as the livestock commission may from time to time require. Any such permit so issued shall be good for shipment within 36 hours from date and time of issue; provided, however, that permits not used within this time limitation must be returned to the issuing officer to be canceled and to release permittee from performance. One copy of such permit shall be retained by the inspector *or sheriff's office,* one copy shall be filed by the inspector *or sheriff's office* with the secretary of the livestock commission at Helena, Montana within five (5) days of the date of issue, and one copy shall be furnished by the inspector *or sheriff's office* to the owner or shipper of the animal or animals which such copy of the permit shall accompany the shipment and be delivered to the state stock inspector at the livestock market *or shipping point* where the animal or animals are delivered."

Amending clause.

Section 3. That Section 46-804 of the Revised Codes of Montana, 1947, as amended by Section 1 of Chapter 106 of the Laws of 1949, as amended by Section 3 of Chapter 184 of the Laws of 1953, be, and the same is hereby amended to read as follows:

Fees for inspection before removal from county.

"46-804. **Fees for Inspection and Livestock Transportation Permit.** (a) For the service of inspection herein provided for before removal from county, the inspector making such inspections shall receive twenty-five cents (25¢) per head for twelve (12) head or less, or three dollars ($3.00) for from twelve (12) head to thirty (30) head and shall receive ten cents (10¢) per head for each animal over thirty (30) head; *for the issuance of a market consignment permit or transportation permit herein provided for before removal from county, the inspector, sheriff or deputy sheriff issuing such permits shall receive twenty-five cents (25¢) for each permit issued for twelve (12) head or less; fifty cents (50¢) for each permit for twelve (12) to thirty (30) head and one dollar ($1.00) for each permit issued for over (30) head* and shall receive in addition thereto his necessary actual expenses, to be paid by the owner thereof or the person for whom the inspection is made or permit issued. All such inspection and permit fees and expenses shall be collected by the inspector, *sheriff or deputy sheriff* making the same at the time of inspection

Fees for issuance of market consignment permit or transportation permit.

Collection of fees.

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or issuance of permit and all such fees and expenses collected by a deputy state stock inspector, *sheriff or deputy sheriff* shall be retained by him and all such fees and expenses collected by a state stock inspector shall be sent by him to the livestock commission for deposit in the state treasury to the credit of the livestock commission fund.

Fees—market inspection.

"(b) For the service of inspection herein provided for before any such animal is sold or offered for sale at any licensed public market, the state stock inspector making such inspection shall receive (1) twenty cents (20¢) per head for any such animal originating within the county in the state in which such market is maintained, or transported under a market consignment permit, and (2) ten cents (10¢) per head for any such animal previously inspected before removal from county as herein provided. All such fees to be paid by the owner thereof or by the person for whom the inspection is made. For inspecting any such animal before same is removed from the premises of such licensed public market the state stock inspector making such inspection shall receive ten cents (10¢) per head from the owner thereof or the person for whom the inspection is made. All such fees for inspection at such market shall be collected by the state stock inspector making the inspection at the time such inspection is made and shall be sent by him to the livestock commission for deposit in the state treasury to the credit of the livestock commission fund.

Disposition of fees.

"(c) A question or doubt having arisen as to the intention of the legislature and policy of the state concerning the disposition of inspection fees and expenses collected by the state stock inspectors of the State of Montana for the inspection of livestock, it is hereby declared to be the policy of this state and the intent of the said twenty-eighth legislative assembly of the State of Montana that all such inspection fees and expenses be paid to the livestock commission for deposit in the state treasury to the credit of the livestock commission fund, and that said state stock inspectors shall be paid for their services and receive for their expenses only such sums as shall be agreed upon by the livestock commission of the State of Montana and fixed and determined by the state board of examiners."

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Amending clause.

Section 4. That Section 46-806 of the Revised Codes of Montana, 1947, as amended by Section 4 of Chapter 184 of the Laws of 1953, be, and the same is hereby amended to read as follows:

Penalties.

Removal form county.

Section 46-801, R.C.M., 1947.

"46-806. **Penalties for Violations of Act.** (a) Any person who removes or causes to be removed from any county in the state any animal or animals of the class referred to in section 46-801; (1) without having the same inspected prior to removal where such inspection is required by law; (2) without obtaining a market consignment permit *or transportation permit,* where such *permits are* obtainable by law; (3) and does obtain a market consignment permit for such animal or animals but does not deliver such animal or animals transported thereunder to the livestock market designated in the market consignment permit; *(4) and does obtain a transportation permit for such animal or animals but does not deliver such animal or animals transported thereunder to the destination as shown on the transportation permit and fails to have such livestock so transported inspected at point of destination or does not file a loading tally with the carrier as provided in section 46-1008;* shall be guilty of a misdemeanor and shall be punishable as hereinafter provided.

Section 46-1008, R.C.M., 1947.

Sale or removal from livestock market.

Section 46-801, R.C.M., 1947.

"(b) Any person who sells or offers for sale at a livestock market, or removes or causes to be removed from a livestock market, any animal or animals of the class referred to in section 46-801, without having the same inspected in the manner provided shall be guilty of a misdemeanor and shall be punishable as hereinafter provided.

Shipment by railroad.

Section 46-801, R.C.M., 1947.

"(c) Any person who shall ship by railroad carrier, and the railroad carrier transporting, any animal or animals of the class referred to in section 46-801 for which a loading tally has been filed as provided by section 46-1008 and for which shipment of animals an inspection has not been made, and after shipment, causes or permits such animal or animals to leave the custody of the railroad carrier at a place other than where the State of Montana regularly maintains a stock inspector, shall be guilty of a misdemeanor and shall be punishable as hereinafter provided.

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Person in charge—failure to have in possession. Section 46-801, R.C.M., 1947.

"(d) Any person who has in his charge any animal or animals of the class referred to in section 46-801 being removed from any county in the state, and for which an inspection certificate or a market consignment permit has been issued, and fails to have in his possession accompanying such animal or animals the inspection certificate or market consignment permit as issued for such animal or animals; or who, having such certificate of inspection or market consignment permit, fails to exhibit the same to any sheriff, deputy sheriff, constable, highway patrolman, state stock inspector or deputy state stock inspector at the request of any such person; shall be guilty of a misdemeanor and shall be punishable as hereinafter provided.

Other violations.

"(e) Any person violating any of the provisions of this act in respect to moving, removing or transporting any animal or animals of the class referred to in section 46-801, or in any other particular, shall be guilty of a misdemeanor and shall be punishable as hereinafter provided.

Fine and/or imprisonment, or both.

"(f) Upon conviction of any person, firm, association, or corporation under this act, they shall be fined in a sum of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) or imprisoned in the county jail for a period of not more than six (6) months, or shall be punished by both such fine and imprisonment. Of all fines assessed and collected under the provisions of this act, fifty per cent (50%) thereof shall be paid into the state treasury and credited to the livestock commission fund, and fifty per cent (50%) thereof shall be paid into the general fund of the county in which the conviction occurred."

50% of fines to livestock commission fund and 50% to county general fund.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 143

An Act to Amend Section 45-1001, Revised Codes of Montana, 1947, Relating to Liens for Labor and Material Furnished for Use of Oil or Gas Wells or Pipelines by Authorizing Such Liens for the Furnishing

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of Material or Services Under Certain Circumstances, and Providing for a Lien for the Amount Due Therefor Including Transportation and Mileage Charges Connected Therewith and Interest From the Date Due Upon Specified Property; and to Amend Section 45-1002, Revised Codes of Montana, 1947, by Providing for Such Lien for Materials or Services Furnished as a Subcontractor or to a Contractor or a Subcontractor, Providing for a Lien for an Artisan or Day Laborer in the Employ of Such Contractor or Subcontractor, and Providing That Such Person Shall Have a Lien Upon Certain Specified Property; and to Amend Section 45-1003, Revised Codes of Montana, 1947, by Providing That Such Liens Shall be Enforced in the Same Manner and the Duty of County Clerks With Respect to the Filing and Abstracting of Such Liens Shall be the Same as Now Provided by the Laws of Montana for Materialmen's and Mechanic's Liens; and to Amend Chapter 10 of Title 45 of the Revised Codes of Montana, 1947, by Adding Thereto A New Section to be Known as Section 45-1004, and Providing How Said Liens Are Perfected; and to Amend Chapter 10, Title 45, Revised Codes of Montana, 1947, by Adding Thereto A New Section to be Known as Section 45-1005, Providing for the Date Such Lien Shall Arise, Providing for the Preference of Such Lien Over Certain Other Liens, and Providing That All Liens Affixed by Virtue of Said Chapter Upon the Same Property Shall be of Equal Standing; And to Amend Chapter 10, Title 45, Revised Codes of Montana, 1947, by Adding Thereto a New Section to be Known as Section 45-1006, Providing for Preference of Said Lien as Concerns the Material and Specific Improvements Made, and Providing for the Enforcement of Said Lien and the Removal of the Property by the Purchaser if the Same be Sold Under Execution; and to Amend Chapter 10, Title 45, Revised Codes of Montana, 1947, by Adding Thereto a New Section to be Known as Section 45-1007, Providing That Labor, Materials or Services Performed or Furnished Shall be Considered as Having Been Performed or Furnished Under a Single Contract Regardless of Whether the Same Were Performed or Furnished at Different Times or on Separate Orders,

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and Providing Time Limitation in Connection Therewith; and to Amend Chapter 10, Title 45, Revised Codes of Montana, 1947, by Adding Thereto a New Section to be Known as Section 45-1008, Providing That No Greater Liability is Fixed Against the Owner of the Land or Leasehold Interest Than the Price or Sum Stipulated by Such Owner to be Paid for Materials or Services Furnished or Labor Performed and Providing for Notice to Such Owner by the Lien Claimant, Together With Notice of the Amount and Nature of His Claim, and Specifying When the Owner May Offset Obligations of the Original Contractor; and to Amend Chapter 10, Title 45, Revised Codes of Montana, 1947, by Adding Thereto a New Section to be Known as Section 45-1009 Which Said Section Provides That It Shall be Unlawful to Remove Property Upon Which a Lien Shall Have Attached and Providing for An Injunction to Prevent the Removal of Such Property and Providing for the Appointment of a Receiver if Such Property Shall be Removed; and to Amend Chapter 10, Title 45, Revised Codes of Montana, 1947, by Adding Thereto a New Section to be Known as Section 45-1010, Providing That No Lien Shall be Effective as to Oil or Gas or the Proceeds of the Sale Thereof Unless Certain Written Notice Has Been Delivered to the Purchaser Thereof, and Providing That Such Purchaser Shall Withhold Payments for Such Oil or Gas Until Delivery of Written Notice That the Lien Claimant Has Been Paid; and to Amend Chapter 10, Title 45, Revised Codes of Montana, 1947, by Adding Thereto a New Section to be Known as Section 45-1011, Defining the Word "Owner" as Used in Said Chapter and Providing That Such Lien Shall Not be Impaired by the Occurrence of Certain Forfeitures or Failures of Certain Estates or Interests; and to Amend Chapter 10, Title 45, Revised Codes of Montana, 1947, by Adding Thereto a New Section to be Known as Section 45-1012, Which Said Section Defines the Words "Material" and "Furnish" as Used in Said Chapter; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 45-1001, Revised Codes of Amending clause.

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Montana, 1947, be, and the same is hereby amended to read as follows:

Lien for labor and materials furnished for use on leasehold for oil and gas purposes or pipelines.

"45-1001. (8375) **Lien for Labor and Materials Furnished for Use** *on Leasehold for Oil and Gas Purposes* **or Pipelines.** Any person, corporation, or copartnership who shall under contract, expressed or implied, with the owner of any leasehold for oil and gas purposes, or the owner of any gas pipe or oil pipeline, or with the trustee or agent of such owner, perform labor or furnish material, *or services* used in the digging, drilling, torpedoing, completing, operating, or repairing of any oil or gas well, *or oil or gas pipeline,* or who shall furnish any *material or services,* or perform any labor in constructing or putting together any of the machinery used in *digging,* drilling, torpedoing, operating, completing or repairing any *oil or* gas well *or oil or gas pipeline, whether or not such material is incorporated therein or becomes a part thereof,* shall have a lien *for the amount due therefor, including transportation and mileage charges connected therewith and interest from the date the same was due, upon the whole of such leasehold or oil or gas pipeline, the appurtenances thereon, and upon all material owned by the owner of such leasehold or oil or gas pipeline and used in the digging, drilling, torpedoing, completing, operating or repairing of any such oil or gas well or oil or gas pipeline, and upon all oil or gas wells located on such leasehold, and upon all oil or gas produced from such leasehold and the proceeds thereof inuring to the working interest therein as such working interest existed on the date the labor was first performed or materials or services were first furnished. Provided, however, that in the event labor is performed for, or materials or services are furnished to, the owner of the working interest in only a portion of the acreage covered by a lease, the lien granted herein shall be restricted to such portion of the acreage. Provided further, that the lien herein granted shall not extend to any royalty interests, overriding royalty interests or oil payments created prior to the date the first item of material or services are furnished or the date the first labor is performed."*

Proviso—restricted to portion of acreage covered by lease.

Proviso—no lien on royalty or overriding royalty interests or oil payments created prior to effective lien date.

Amending clause.

Section 2. That Section 45-1002, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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"45-1002. (8376) **Lien for Labor or Supplies Furnished for Contractor.** Any person, co-partnership, or corporation who shall furnish such *materials or services as a subcontractor or to a contractor or a subcontractor,* or any person who shall perform such labor under a subcontractor with a contractor, or who, as an artisan or day laborer in the employ of such contractor *or subcontractor* shall perform any such labor, *shall have a lien upon all the property upon which the lien of an original contractor may attach to the same extent as an original contractor, and the lien provided for in this section shall further extend and attach to all materials and fixtures owned by such original contractor or subcontractor to or for whom the labor is performed, or material or services furnished and used or employed or furnished to be used or employed in the drilling or operating of such oil and gas wells or in the construction of such pipeline."*

Lein for labor, materials or supplies for contractor or subcontractor.

Same extent as original contractor.

Section 3. That Section 45-1003, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"45-1003. (8377) **Manner of Enforcing Liens;** *Duty of County Clerks.* The liens herein created shall be enforced in the same manner *and the duty of county clerks with respect to the filing and abstracting of liens shall be the same as now provided by the laws of Montana for materialmen's and mechanic's liens."*

Manner of enforcing liens, duty of county clerks.

Section 4. That Chapter 10, Title 45, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto a new section to be known as Section 45-1004 and reading as follows:

Amending clause.

45-1004. How Lien Perfected. Every person, corporation or co-partnership claiming a lien under this chapter shall file with the county clerk of the county in which such land, leasehold, or pipeline, or some part thereof, is situated, a statement verified by affidavit setting forth the amount claimed and the items thereof, the dates on which labor was performed or material or services furnished, the name of the owner of the leasehold or pipeline, if known, the name of the claimant and his mailing address, a description of the leasehold or pipeline, and if the claimant be a claimant under Section 45-1002, the name of the person for whom the labor was immediately performed or the material or services were immediately

How lien perfected.

Statement verified by affidavit.

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Time for filing statement, six months.

furnished. Such statement must be filed within six (6) months after the date upon which said material or services were last furnished or labor last performed under contract as aforementioned.

Amending clause.

Section 5. That Chapter 10, Title 45, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto a new section to be known as Section 45-1005 and reading as follows:

Date lien arises, preference over other liens, parity of liens.

45-1005. Date Lien Arises; Preference Over Other Liens; Parity of Liens. The lien provided for in this chapter arises on the date of the furnishing of the first item of material or services or the date of performance of the first labor. Upon compliance with the provisions of Section 45-1004, such lien shall be preferred to all other titles, charges, liens or encumbrances which may attach to or upon any of the property upon which a lien is given by this chapter subsequent to the date the lien herein provided for arises. All liens affixed by virtue of this chapter upon the same property shall be of equal standing.

Amending clause.

Section 6. That Chapter 10, Title 45, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto a new section to be known as Section 45-1006 and reading as follows:

Priority of lien over mortgage or other liens, filing date.

45-1006. Priority of Lien Over Mortgage or Other Liens. The lien herein provided for shall have no priority over other liens, encumbrances or mortgages which are filed or recorded prior to the date of the furnishing of the first item of material or services or the date of performance of the first labor.

Amending clause.

Section 7. That Chapter 10, Title 45, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto a new section to be known as Section 45-1007 and reading as follows:

Lien for running account as single contract.

45-1007. Lien for Running Account as Single Contract. All labor performed or materials or services furnished by any person entitled to a lien under this chapter upon the same leasehold for oil and gas purposes or the same pipeline shall for the purposes of this chapter be considered as having been performed or furnished under a single contract regardless of whether or not the same was performed or furnished at different times or

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on separate orders, provided that no more than six (6) months shall have elapsed between the date of performance of such labor or the date of furnishing such material or services and the date on which labor is next performed or materials or services are next furnished.

Amending clause.

Section 8. That Chapter 10, Title 45, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto a new section to be known as Section 45-1008 and reading as follows:

Right of subcontractor against contract price, notice.

45-1008. Right of Subcontractor Against Contract Price; Notice. Nothing in this chapter shall be construed to fix a greater liability against the owner of the land or leasehold interest therein than the price or sum stipulated by such owner to be paid for such materials or services furnished or labor performed; provided, however, that the risk of all payments made to the original contractor shall be upon such owner if such payments be made after written notice from a person other than an original contractor is received by such owner at his residence or principal place of business which notice shall set forth the name and address of the claimant and the amount and nature of his claim. Payment by the owner to the original contractor of all or any part of the contract price, prior to the receipt of such notice, shall operate to discharge and satisfy all liens attaching to the property of such owner by virtue of this chapter to the extent of such payment. The owner shall not have the right to offset obligations of the original contractor unless such obligations arise out of the original contract.

Payment prior to receipt of notice, discharge.

Amending clause.

Section 9. That Chapter 10, Title 45, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto a new section to be known as Section 45-1009 and reading as follows:

Removal of property prohibited.

45-1009. Removal Prohibited; Injunction; Lien Follows Property Wrongfully Removed. When any lien provided for by this chapter shall have attached to the property covered thereby, it shall be unlawful for any person to remove such property, or any part thereof, or cause the same to be removed from the land or premises where located at the time such lien attached or otherwise dispose of the same without the written consent of the holder of such lien. In the event such property, or some part thereof, is about to be removed or disposed of

Injunction.

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in violation of this section, the district court for the county where such property, or any part thereof, is located, may upon the verified application of the holder of such lien, enjoin all persons alleged in such application to be about to remove or dispose of such property, or some part thereof, from removing or disposing of the same. In the event such property, or any part thereof, shall have been removed or disposed of in violation of this section, the holder of such lien shall be entitled in any action to foreclose the same to the appointment of a receiver to take possesion of such removed or disposed of property wherever the same may be located within this state; provided, however, that this section shall not preclude the appointment of receiver in actions brought to foreclose liens given by this chapter upon any equitable grounds warranting such appointment.

Lien follows property wrongfully removed.

Proviso— not to preclude appointment of receiver.

Amending clause.

Section 10. That Chapter 10, Title 45, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto a new section to be known as Section 45-1010 and reading as follows:

Notice required to purchaser of oil and gas.

45-1010. Notice to Purchaser of Oil and Gas. Anything in this chapter to the contrary notwithstanding, any lien claimed by virtue of this chapter insofar as it may extend to oil or gas or the proceeds of the sale of oil or gas shall not be effective against any purchaser of such oil or gas, until written notice of such claim has been delivered to such purchaser at his residence or principal place of business. Such notice shall state the name of the claimant, his address, the amount for which the lien is claimed, and a description of the interest upon which the lien is claimed. Such notice shall be delivered personally to the purchaser or by registered letter deposited in the United States mails. Until such notice is delivered as above provided, no such purchaser shall be liable to the claimant for any oil or gas produced from the interest upon which the lien is claimed or the proceeds thereof, except to the extent of such part of the purchase price of such oil or gas or the proceeds thereof as may be owing by such purchaser at the time of delivery of such written notice. Such purchaser shall withhold payments for such oil or gas runs to the extent of the lien amount claimed until delivery of notice in writing that the claim has been paid.

Contents.

Purchaser not liable, until notified.

Payment may be withheld by purchaser.

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Amending clause.

Section 11. That Chapter 10, Title 45, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto a new section to be known as Section 45-1011 and reading as follows:

"Owner" defined.

45-1011. "Owner" Defined; Leasehold Interest — How Affected. As used in this chapter, the word "owner" includes a person holding any interest in the legal or equitable title, or both, and purchasers under executory contract.

Estates less than the fee, forfeiture.

If a lien provided for in this chapter attaches to an estate less than the fee, forfeiture of such estate shall not impair any lien as to material, appurtenances and fixtures located thereon and to which said lien has attached prior to forfeiture.

Equitable or legal interest.

If a lien provided for in this chapter attaches to an equitable interest or to a legal interest contingent upon the happening of a condition subsequent, failure of such interest to ripen into legal title or such condition subsequent to be fulfilled, shall not impair any lien as to material, appurtenances and fixtures located thereon and to which said lien attached prior to such failure.

Amending clause.

Section 12. That Chapter 10, Title 45, Revised Codes of Montana, 1947, be, and the same is hereby amended by adding thereto a new section to be known as Section 45-1012 and reading as follows:

"Material" and "furnish" defined.

45-1012. "Material" and "Furnish" Defined. As used in this chapter, the word "material" means material, fuel, machinery, equipment, appliances, buildings, structures, tools, bits or supplies but does not include drilling rigs or hoists or their integral component parts except wire lines, and the word "furnish" means sell or rent.

Repealing clause.

Section 13. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 144

An Act to Amend Section 67-413, Revised Codes of Montana, 1947, Relating to Accumulations of Income; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing for an Effective Date.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1: That Section 67-413, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Direction for an accumulation of the income of property, when void in part.

"67-413. (6712) **Other Directions — When Void in Part.**" *If the direction for an accumulation of the income of property is for a longer term than is limited in the last section (section 67-412, Revised Codes of Montana, 1947), the direction only, whether separable or not from the other provisions of the instrument, is void as respects the time beyond the limit prescribed in said last section, and no other part of such instrument is affected by the void portion of such direction.*

Repealing clause.

Section 2: All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3: This act shall become effective upon its passage and approval.

Approved March 7, 1957.

CHAPTER 145

An Act to Amend Section 1 of Chapter 68 of the Laws of Montana, 1951, by Providing That a Child Under the Age of Sixteen (16) Years is Incapable of Being an Accomplice to the Infamous Crime Against Nature or to Any Other Sexual Crime; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 1 of Chapter 68, Laws of Montana, 1951, be, and the same is hereby amended to read as follows:

Child under 16 cannot be accomplice in infamous crime against nature.

"Section 1. No child under the age of *sixteeen (16)* years can be an accomplice to the commission *or attempted commission* of the infamous crime against nature."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

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CHAPTER 146

An Act to Amend Section 53-108, Replacement Volume No. 3, Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 244, Laws of 1955, Relating to Renewal of Registration, by Changing the Dates Between Which Vehicles May be Operated Without Displaying the Current Registration Certificates; and by Providing a Three-Day Grace Period for Purchasers of New Motor Vehicles in Which to Make the Required Affidavit and Obtain Sticker; and Providing That it Shall Not be a Violation of Any Law to Operate Such New Motor Vehicle on Streets and Highways During Said Three-Day Period, if Such Purchaser Has in His Possession Satisfactory Evidence of Ownership; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing That This Act Shall be in Full Force and Effect From and After its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 53-108, Replacement Volume No. 3, Revised Codes of Montana, 1947, as amended by Section 1, Chapter 244, Laws of 1955, be and the same is hereby amended to read as follows:

Renewal of registration.

"53-108. (1758.1) **Renewal of Registration.** Every vehicle registration under this act shall expire on December thirty-first of each year and shall be renewed annually upon application and payment of license fees, as provided in sections 53-114, Revised Codes of Montana, 1947, as amended by section 1, chapter 256, laws of 1955, and 53-112, Revised Codes of Montana, 1947, as amended by section 1, chapter 41, laws of 1955, such renewal to take effect on the first day of January of each year. The certificate of registration issued hereunder shall be valid during the registration year only for which issued, and the certificates of ownership shall remain valid until cancelled by the registrar of motor vehicles upon a transfer of any interest shown therein and need not be renewed annually. Upon annual renewal, whenever the legal owner of the vehicle is other than the registered owner, the registrar of motor vehicles shall immediately notify such legal owner by mail

Notice to legal owner.

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of the registration number assigned to such vehicle for the ensuing year.

Grace period for renewal registration.

"The owner of a vehicle registered under the provisions of this act shall be entitled to operate such vehicle between January *first* and February *fifteenth* without displaying the registration certificate of the current year, on condition that such owner shall, during said period, display upon such vehicle the number plates or plate assigned thereto for the previous year.

Vehicles transferred, stickers pending receipt of plates.

"Any purchaser of a motor vehicle from a duly licensed motor vehicle dealer which has not been registered or reregistered for the current year may during the time of certificate of ownership thereto is in the process of being transferred in the office of the registrar of motor vehicles, upon making an affidavit to that effect upon a form prescribed by the registrar of motor vehicles and upon the payment of a fee of one dollar ($1.00) to be collected by the county treasurer and remitted to the board, obtain from the county treasurer of the county in which said vehicle is subject to tax a temporary windshield sticker of such size, color and design as the board may prescribe, to be validated by the county treasurer for a period of thirty (30) days from the date of issuance, and such purchaser, upon displaying such sticker on the lower righthand corner of the windshield of such motor vehicle and upon displaying the number plates or plate assigned thereto for the previous year (unless the seller has been unable to deliver such previous year's plate or plates) shall be entitled to operate such vehicle during the period for which such windshield sticker has been validated without displaying the registration certificate or number plates or plate for the current year.

Fee and procedure.

Proviso— purchaser of new motor vehicle— 3 days grace period.

Provided, however, that any purchaser of a new motor vehicle from a duly licensed motor vehicle dealer shall have the grace period of three (3) days from the date of purchase to make such affidavit and obtain such sticker, and it shall not be a violation of this chapter or any other law for such purchaser to operate such new motor vehicle upon the streets and highways of this state without number plates or sticker during the said three-day period; providing further that such purchaser must have in his possesion a valid bill of sale or other satisfactory evidence of ownership."

Evidence of ownership required.

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 7, 1957.

CHAPTER 147

An Act to Amend Section 128 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to Spot Lamps and Auxiliary Lamps; by Increasing From One (1) to Two (2) the Number of Auxiliary Passing and Driving Lamps Permitted on Vehicles; by Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 128 of Chapter 263 of the Session Laws of the thirty-fourth legislative assembly of Montana, 1955, be, and the same is hereby amended to read as follows: Amending clause.

"Section 128. **Spot Lamps and Auxiliary Lamps.** (a) Spot Lamps. Any motor vehicle may be equipped with not to exceed two (2) spot lamps and every lighted spot lamp shall be turned off upon approaching another moving vehicle from either direction. Spotlights.

"(b) **Fog Lamps.** Any motor vehicle may be equipped with not to exceed two (2) fog lamps mounted on the front at a height not less than twelve (12) inches nor more than thirty (30) inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five (25) feet ahead project higher than a level of four (4) inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower headlamp beams as specified in section 132 (b), *Chapter 263, Laws of 1955.* Fog lamps. May be used with lower headlamp beams, ch. 263, laws of 1955, Sect. 132 (b).

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Auxiliary passing lamps.

"(c) **Auxiliary Passing Lamps.** Any motor vehicle may be equipped with not to exceed *two (2)* auxiliary passing lamps mounted on the front at a height not less than twenty-four (24) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of section 132, *Chapter 263, Laws of 1955,* shall apply to any combination of head lamps and auxiliary passing lamps.

Auxiliary driving lamps.

"(d) **Auxiliary Driving Lamps.** Any motor vehicle may be equipped with not to exceed *two (2)* auxiliary driving lamps mounted on the front at a height not less than sixteen (16) inches nor more than forty-two (42) inches above the level surface upon which the vehicle stands. The provisions of section 132, *Chapter 263, Laws of 1955,* shall apply to any combination of head lamps and auxiliary driving lamps."

Repealing clause.

Section 2. That all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 148

An Act to Amend Section 73-104, Revised Codes of Montana, 1947, Relating to Instruments Which May be Recorded Without Acknowledgment and Providing for Recording of State and Federal Instruments Pertaining to Land Without Necessity of Acknowledgment; and to Amend Section 25-231, Revised Codes of Montana, 1947, as Amended by Chapter 90, Laws of 1953, as Amended by Chapter 202, Laws of 1955, Relating to Fees of County Clerks, by Providing for Recording and Indexing, Without Charge, Certain Federal and State Instruments Which are Not Acknowledged and Which Pertain to Land Within Indian Reservations; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 73-104, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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"73-104. (6892) **Letters Patent** *and Other Federal and State Documents to be* **Recorded Without Acknowledgment.** Letters patent from the United States, or from the State of Montana, *or other documents and instruments or duly certified copies thereof issued by or pursuant to the authority of the United States, or the State of Montana, which evidence title to land or affect the title thereof,* executed and authenticated pursuant to existing law, may be recorded without acknowledgment or further proof; and where letters patent have been lost, or are beyond the control of any party deraigning title therefrom, or for any reason they remain unrecorded, any person claiming title thereunder may cause a transcript of the copy of such letters patent kept by the government issuing the same, duly certified by the officer or individual having lawful custody of such copy, to be recorded in lieu of the original; and such recorded copy shall have prima facie the same force and effect as the original, for title or for evidence, until the said original letters patent be recorded."

Letters patent and other federal and state documents to be recorded without acknowledgment.

Section 2. That Section 25-231, Revised Codes of Montana, 1947, as amended by Chapter 90, Laws of 1953, and as amended by Chapter 202, Laws of 1955, be, and the same is hereby amended to read as follows:

Amending Clause.

"25-231. (4917) **Fees of County Clerks.** The fees of county clerks, which must be charged and collected for the use of their respective counties, are as follows:

Fees of county clerks enumerated.

"For recording and indexing each instrument of writing allowed by law to be recorded; except as hereinafter provided;

"For first folio, thirty cents (30¢) and for each subsequent folio or fraction thereof, fifteen cents (15¢);

"For each entry in index, ten cents (10¢);

"For certificate that such instrument has been recorded with seal affixed, fifty cents (50¢);

"For recording and indexing each real estate mortgage, assignment, renewal, or release of real estate mortgage;

"For each folio, twenty cents (20¢);

"For each entry in index, ten cents (10¢);

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"For certificate that such mortgage, assignment or release has been recorded with seal affixed, fifty cents (50¢);

"For recording and indexing each certificate of location of quartz or placer mining claim, millsite claim, or notice of appropriation of water, including certificate that such instrument has been recorded with seal affixed, two dollars ($2.00);

"For recording and indexing each affidavit of annual labor on mining claim, including certificate that such instrument has been recorded with seal affixed, one dollar ($1.00) for the first mining claim in said affidavit, and twenty-five cents (25¢) for each additional mining claim described and included therein;

"For filing and indexing each chattel mortgage, affidavit of renewal of chattel or real estate mortgage, assignment or release of chattel mortgage, a writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, fifty cents (50¢);

"For filing and indexing each certificate of incorporation or annual statement of any corporation, one dollar ($1.00).

"For recording and platting each town site or map;

"For each lot up to and including one hundred, twenty-five cents (25¢);

"For each additional lot in excess of one hundred, five cents (5¢);

"For recording the field notes of survey of any town site, per folio, twenty-five cents (25¢).

Fee for photographic or similar process.

"Provided that in all cases where recording is done by photographic or similar process the fee to be charged by the county clerk and recorder for filing and indexing the same shall be one dollar ($1.00) for each page or fraction thereof of said instrument.

"For a copy of any record or paper, for each folio, fifteen cents (15¢) and for each certification with seal affixed, fifty cents (50¢); provided, that in all cases where copies of any record or paper are to be certified by the county clerk and such copy is furnished to said

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clerk for certification, said clerk shall not make a charge nor receive a fee for the comparison of such copy, other than the fee of fifty cents (50¢) for his certificate and seal.

"For searching any index record of files of the office, for each year when required, in abstracting or otherwise, fifteen cents (15¢);

"For each entry of discharge or satisfaction of mortgage, lien, or other instrument on the margin of record thereof, or upon the original instrument, and noting same in the indexes concerned, twenty-five cents (25¢);

"For administering an oath with certificate and seal he shall make no charge;

"For taking and certifying an acknowledgment, with seal affixed, for signature thereto he shall make no charge;"

No fee for recording instrument which may be recorded under 73-104, R.C.M., 1947, pertaining to Indian land, except fee patent.

For recording and indexing any instrument which may be recorded pursuant to the provisions of section 73-104, Revised Codes of Montana, 1947, and which pertains to land allotted to an Indian or land within an Indian Reservation, except fee patents, he shall make no charge;

Other instruments.

"For filing or recording or indexing any other instrument not herein expressly provided for, the same fee as hereinbefore provided for a similar service.

Clerk's endorsement of charges.

"On each instrument delivered to him for recording, it shall be the duty of the county clerk to endorse thereon all charges made by him for such service and such endorsement shall be recorded as a part of the instrument in his office in order that the state examiner may verify such charges from time to time and may see that they have been properly entered on the fee book or reception record in the county clerk's office."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 149

An Act to Amend Section 66-103 (3231), Revised Codes of Montana, 1947, Relating to Examinations for Cer-

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tificates to Practice Architecture, the Subjects Embraced in Such Examinations, and the Granting of Such Certificates, by Providing Definitions of the Terms "Architect," "Practice of Architecture," and "Building," by Empowering the Board of Architectural Examiners to Enter into Reciprocity Arrangements with Other States and in its Discretion to Require Examination of Applicants for License from Other States, and by Providing for Registration Without Examination Under Certain Circumstances of Montana Residents Who Have Been Regularly Engaged in the Practice of Architecture in Montana for a Specified Period of Time; Section 66-107, (3235), Revised Codes of Montana, 1947, Relating to Who Shall be Entitled to Practice Architecture, by Providing Only Individuals as Distinguished from Firms, Companies, Partnerships, Associations, Corporations, and Similar Organizations, Shall be Registered, by Providing for Performance of Certain Functions by Employees Working Under Supervision, and by Providing Certain Classes of Persons Shall be Excluded from the Operation of This Act; Section 66-112 (3240), Revised Codes of Montana, 1947, Relating to Revocation of Licenses, by Providing the Manner and Grounds for Revocation of Certificates by the Board of Architectural Examiners and the Review of Decisions of Said Board by the District Court; Section 66-106 (3234), Revised Codes of Montana, 1947, Relating to Penalties for Practicing Architecture Without a License, by Prescribing Minimum and Maximum Penalties for Violation of This Act and Conferring Jurisdiction Over All Prosecutions Hereunder Upon the District Court; Directing That Unconstitutionality of a Part of This Act Shall Not Affect or Impair the Remainder; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 66-103 (3231) of the Revised Codes of Montana of 1947 be, and the same is, hereby amended to read as follows:

Definitions.

"66-103. (3231) *Definitions* — **Examinations for Certificates to Practice — Subjects Embraced in — Granting of Certificates"** — *Registration without Ex-*

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amination Under Certain Circumstances, (a) Except as otherwise provided in this act, no person shall practice architecture in the State of Montana or use the title "architect" or "registered architect," or any words, letters, figures, or other device indicating or intending to imply that he or she is an architect, without having qualified as required by this act.

Qualifications required to practice.

(b) The practice of architecture within the meaning and intent of this act consists of rendering or offering to render services by consultations, preliminary studies, drawings, specifications, or any other service in connection with the design of a building or addition or alteration thereto, whether one or all of these services are performed either in person or as the directing head of an organization.

"Practice of architecture."

(c) An architect within the meaning of this act is an individual technically and legally qualified to practice architecture and who is authorized under this act to practice architecture.

"Architect."

(d) A building, for the purposes of this act, is a structure consisting of foundation, floors, walls, columns, girders, and roof, or a combination of any number of these parts, including related mechanical and electrical equipment, with or without other parts or appurtenances.

"Building."

"(e) Every person hereafter wishing to practice architecture in this state shall apply to said board for a certificate so to do. Every person so applying shall submit to an examination in the following branches, to-wit: Arithmetic and elementary mathematics, knowledge of building materials and construction, *structural, mechanical and electrical engineering phases of construction,* architectural drawing, technical education and experience, and such other branches as the board may deem advisable. Said board shall cause such examination to be both scientific and practical, but of sufficient severity to test the candidate's fitness to practice architecture in this state. After examination said board shall, if the candidate has been found qualified, grant a certificate to such candidate to practice architecture within the State of Montana, which said certificate can only be granted on the consent of not less than two members of the board, and attested by the secretary, and have the seal of said board attached thereto; provided, that the

Application and examination.

If qualified, certificate to be granted.

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President of board may grant temporary certificate.

president of the board may, in the time of intervening between the sessions of the board, grant a certificate to any person desiring to practice architecture within the State of Montana, after satisfying himself of the qualifications of the applicant, which said certificate shall be good until the next regular meeting of the board; *provided,* however,'' *the board may make arrangements with similar boards in the several states insofar as practicable, whereby due credit for state and territorial licenses will be allowed in the State of Montana to such licensees of said boards as desire to secure license to practice architecture in this state, and whereby licensees of the board of architectural examiners in this state will secure due credit for license issued by said board whenever such licensees desire to secure license to practice in any other state or territory; but no arrangement shall be made under the provisions of this section which will be liable to lower the standard of practice of architecture in the State of Montana. The board may, if deemed necessary, require an examination of applicants for license from other states after careful consideration of credentials from such states. The board shall by regulation establish methods and procedures for investigation of applicants for license by reciprocity.*

Proviso— reciprocity.

No examination required, resident one year prior to passage of this act, and engaged in practice for 5 years prior to July 1, 1957.

(f) Any properly qualified person shall be granted registration without examination who submits an affidavit establishing to the satisfaction of the board of architectural examiners that he or she was a resident of the State of Montana for one (1) year immediately preceding the passage and approval of this act, that he or she was regularly engaged in the practice of architecture in the State of Montana for five (5) years immediately preceding July 1, 1957; provided that registration shall not be granted under this subsection unless the application therefor is filed with the board of architectural examiners within one (1) year after passage and approval of this act.

Amending clause.

Section 2. That Section 66-107 of the Revised Codes of Montana of 1947 be, and the same is, hereby amended to read as follows:

''66-107. (3235)'' *Registration Limited to Individuals — Employees of Architects Entitled to Practice under Supervision — Exceptions — Exemptions. (a) No firm, company, partnership, association, corporation or*

Only individuals can be registered.

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other similar organization shall be registered as an architect. Only individuals shall be registered as architects but a number of architects constituting a firm may use the collective title "architects" or "registered architects."

Employees of architects entitled to practice under supervision.

(b) Nothing contained in this act shall prevent draftsmen, students, clerks of work, superintendents, and other employees of those lawfully practicing as architects under the provisions of this act from acting under the instruction, control, or supervision of their employers, or to prevent the employment of superintendents of the construction, enlargement, or structural alteration of buildings or any appurtenance thereto.

Other exceptions.

Nor shall anything contained in this act be construed to apply to alterations to any building which do not involve changes affecting the structural safety thereof or the public health; nor to prevent the preparation of details and shop drawings by persons, other than architects, for use in connection with the execution of their work; nor to prevent the preparation of drawings or details for fixtures, cabinet work, furniture, or other interior appliances or equipment, or for any work necessary to provide for their installation unless the same involves public health or safety. None of the acts enumerated in this paragraph shall be interpreted or construed as the practice of architecture.

Exceptions enumerated.

(c) Nothing in this act shall be construed to affect or prevent the following, provided that no words, letters, figures, or other device shall be used in such manner as to tend to convey the impression that the person rendering such service is an architect duly registered under this act:

1. Consultants, officers, and employees of the United States while engaged solely in the practice of architecture for said government.

2. Professional engineers from performing architectural services which are purely incidental to their engineering practice.

3. Any person from planning, designing, altering, constructing, repairing, or supervising construction of residential or farm buildings.

4. The planning, designs, alteration, consultation, repair or supervision of a building by its owner.

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Amending clause.

Section 3. That Section 66-112 of the Revised Codes of Montana of 1947 be, and the same is, hereby amended to read as follows:

Revocation of certificate, when.

"66-112. (3240) **Revocation of License.** The board of architectural examiners may revoke any" *certificate in the manner hereinafter provided if proof satisfactory to the board be presented in the following cases: (a) In case it is shown that the certificate was obtained through fraud or misrepresentation; (b) In case the holder of the certificate has been found guilty by said board or by a court of justice of any fraud or deceit in his professional practice or has been convicted of a felony by a court of justice; (c) In case the holder of the certificate has been found guilty by said board of gross incompetency or of recklessness in the planning or construction of buildings.*

Procedure for revocation. Written charges to be filed and served on accused, together with notice of hearing.

The proceedings for revocation of a certificate shall be commenced by filing written charges against the accused with the board of architectural examiners either by the board itself or by any complainant. A copy of the charges together with a notice of the time and place of hearing shall be served on the accused at least thirty calendar days in advance of such hearing. Where personal service cannot be made within the State of Montana, service may be made by publication in accordance with such rules as the board may adopt, following generally and in principle the provisions of Sections 93-3013, 93-3014, and 93-3015 of the Revised Codes of Montana of 1947.

Hearing.

At the hearing, the accused shall have the right to be represented by counsel, introduce evidence, and examine and cross-examine witnesses. The secretary of the board is hereby empowered to administer oaths.

Report of board.

The board shall make a written report of its findings and conclusions, which report, with a transcript of the entire record of the proceedings, shall be filed in the office of the secretary of state, and, if the board's findings and conclusions shall be adverse to the accused, his or her certificate shall stand revoked and annulled at the expiration of thirty days from the filing of such report, unless within said period of thirty days a writ of review shall be issued as hereinafter provided, in which event said certificate shall not stand suspended until the final determination of the courts upon such writ of review.

Writ of review allowed.

Any party aggrieved by the decision of the said board may seek a review thereof in the district court of the

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first judicial district of the State of Montana in the manner set forth in sections 93-9001 to 93-9011, inclusive, Revised Codes of Montana of 1947, and said court shall affirm, reverse, or modify the findings of said board in accordance with law.

Powers of the board.

The said board shall have power to require the attendance of persons and the production of books and papers and to require such persons to testify in any and all matters within its jurisdiction. The chairman and the secretary of the board shall have power to issue subpoenas, and upon the failure of any person to attend as a witness when duly subpoenaed or to produce the documents when duly directed by said board, the board shall have power to refer the said matter to the district court of the first judicial district of the State of Montana, which may order the attendance of such witness or the production of such books and papers or require the said witness to testify, as the case may be; and upon the failure of the witness to attend, to testify, or to produce such books or papers, as the case may be, such witness may be punished for contempt of court as for failure to obey a subpoena issued or to testify in a case pending before said court.

Amending clause.

Section 4. That Section 66-106 of the Revised Codes of Montana of 1947 be, and the same is, hereby amended to read as follows:

Penalty for illegal practice or mis-use of title.

"66-106. (3234)" *Penalty for Illegal Practice or Misuse of Title. Any person who shall use the title "architect" or "registered architect" or any other words, letters, figures, or other device indicating or intending to imply that the person using the same is an architect, or who shall engage in the practice of architecture within the meaning of this act, or shall accept compensation for rendering architectural service, without first having complied with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00), or by imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment. Any person convicted a second time for any violation of this act shall be punished by both such fine and imprisonment. The district court shall have jurisdiction of all prosecutions brought hereunder.*

Misdemeanor.

District court jurisdiction.

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Severability.

Section 5. **Severability.** If any section, subdivision, sentence, or word of this act shall be determined by a court of competent jurisdiction to be unconstitutional or inoperative, it shall not affect the remaining portions of this act.

Repealing clause.

Section 6. **Repealing Clause.** All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 150

An Act to Regulate the Practices of Engineering and Land Surveying; to Safeguard Life, Health, and Property, and to Promote the Public Welfare; Providing for the Registration of Qualified Persons as Professional Engineers and Land Surveyors, and Providing for the Certification of Engineers-in-Training; Defining the Terms "Engineer," "Professional Engineer," "Engineer-in-Training," "Practice of Engineering," "Land Surveyor," and "Practice of Land Surveying;" Creating a State Board of Registration for Profesional Engineers and Land Surveyors and Providing for the Appointment of its Members; Fixing the Term of the Board; Defining its Powers and Duties; Setting Forth the Minimum Qualifications and Other Requirements for Registration; Making the Administration of This Act Self Supporting by Establishing Fees with Expiration and Renewal Requirements; Exempting Certain Groups; and Providing for the Enforcement of This Act and Penalties for its Violation, and Repealing Sections 66-2301 Through 66-2323 of the Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

General provisions—practice of engineering or land surveying.

Section 1. That in order to safeguard life, health, and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice engineering or land surveying, shall hereafter be required to submit evidence that he is qualified so to practice and shall be registered as hereinafter provided; and from and after the first day of January, 1958, it shall be unlawful for any person to practice or

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to offer to practice in this state, engineering or land surveying, as defined in this act, or to use in connection with his name or otherwise assume, use or advertise any title or description tending to convey the impression that he is a professional engineer or a land surveyor, unless such person has been duly registered under the provisions of this act.

Act cited.

Section 2. This act shall be known and may be cited as the Montana professional engineers' registration act.

Terms defined. Engineer.

Section 3. The term "engineer" as used in this act shall mean a professional engineer as hereinafter defined.

The term "professional engineer" within the meaning and intent of this act shall mean a person who, by reason of his special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as hereinafter defined, as attested by his legal registration as a professional engineer.

Engineer-in-training.

The term "engineer-in-training" as used in this act shall mean a candidate for registration as a professional engineer who is a graduate in an approved engineering curriculum of four years or more from a school or college approved as of satisfactory standing by the engineers' council for professional development or its successor as an agency evaluating professional engineering curricula, or who has had four years or more of experience in engineering work of a character satisfactory to the board; and who, in addition, has successfully passed the examination in the fundamental engineering subjects as provided in section 15 of this act, and who shall have received from the board, as hereinafter defined, a certificate stating that he has successfully passed this portion of the professional examinations.

Practice of engineering.

The term "practice of engineering" within the meaning and intent of this act shall mean any professional service or creative work requiring engineering education, training, and experience and the application of such special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose

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of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects.

The practice of engineering shall not include the work ordinarily performed by persons who operate or maintain machinery or equipment, or communication lines or signal circuits, or electric power lines or pipelines.

Land surveyor.

The term "land surveyor" as used in this act shall mean a person who engages in the practice of land surveying as hereinafter defined.

Practice of land surveying.

The practice of land surveying within the meaning and intent of this act includes surveying of areas for their correct determination and description and for conveyancing, or for the establishment or re-establishment of land boundaries and the plotting of lands and subdivisions thereof.

Board.

The term "board" as used in this act shall mean the state board of registration for professional engineers and land surveyors provided for by this act.

State board of registration for professional engineers and land surveyors—members appointed by governor.

Section 4. A state board of registration for professional engineers and land surveyors is hereby created whose duty it shall be to administer the provisions of this act. The board shall consist of five professional engineers, who shall be appointed by the governor. No more than two members shall be from the same branch of the profession of engineering. All board members shall have the qualifications required by section 5.

Terms.

The members of the first board shall be appointed within ninety days after the passage of this act. Two members of the first board shall be members of the previous civil engineer board, and shall serve for one and two year terms respectively. The other appointments to the first board shall be for the terms of three, four, and five years respectively, or until their successors are duly appointed and qualified. Every member of the board shall receive a certificate of his appointment from the governor and before beginning his term of office shall file with the secretary of state his written oath or affirmation for the faithful discharge of his official duty. Each member of the board first appointed hereunder shall receive a certificate of registration under

Oath.

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this act from said board. On the expiration of the term of any member, the governor shall appoint for a term of five years a registered professional engineer, having the qualifications required by section 5, to take the place of the member whose term on said board is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified. A member of the board may be appointed to succeed himself.

Appointment on expiration of term.

Term.

Section 5. Each member of the board shall be a citizen of the United States and a resident of this state, and shall have been engaged in the practice of engineering for at least twelve years, and shall have been in responsible charge of important engineering work for at least five years. Responsible charge of engineering teaching may be construed as responsible charge of important engineering work.

Qualifications.

Section 6. Each member of the board shall receive per diem when actually attending to the work of the board or any of its committees and for the time spent in necessary travel. Such per diem shall be fixed by the board in its sound discretion, but it shall not exceed twenty-five dollars ($25.00) per day. In addition thereto, each member shall be reimbursed for all actual traveling, incidental, and clerical expenses necessarily incurred in carrying out the provisions of this act.

Compensation and expenses.

Section 7. The governor may remove any member of the board for misconduct, incompetency, neglect of duty, or for any other sufficient cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor.

Removal for cause, vacancies.

Section 8. The board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such time as the rules and regulations of the board may provide. Notice of all meetings shall be given in such manner as the rules and regulations may provide. The board shall elect annually the following officers: a chairman, a vice-chairman, and a secretary. A quorum of the board shall consist of not less than three members.

Meetings.

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Rules and regulations, seal.

Section 9. The board shall have the power to adopt and amend all rules and regulations and rules of procedure, not inconsistent with the constitution and laws of this state, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt and have an official seal.

Powers of the board.

In carrying into effect the provisions of this act, the board, under the hand of its chairman and the seal of the board may subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the board may administer oaths or affirmations to witnesses appearing before the board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the board may present its petition to the district court, setting forth the facts, and thereupon such court shall, in a proper case, issue its subpoena to such person, requiring his attendance before such authority and there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the board. Any person failing or refusing to obey the subpoena or order of the said court may be proceeded against in the same manner as for refusal to obey any other subpoena or order of said court.

Professional engineers' fund, appropriated for use of the board.

Section 10. The secretary of the board shall receive and account for all moneys derived under the provisions of this act, and shall pay the same monthly to the state treasurer, who shall keep such moneys in a separate fund to be known as the "professional engineers' fund." Such fund shall be kept separate and apart from all other moneys in the treasury, and shall be paid out only by warrants drawn by the state auditor, upon claims filed and approved as required by law. All moneys in the "professional engineers' fund" are hereby specifically appropriated for the use of the board. The

Surety bond.

secretary of the board shall give a surety bond to the state in such sum as the board may determine. The premium on said bond shall be regarded as a proper and necessary expense of the board, and shall be paid out of the "professional engineers' fund." The secre-

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tary of the board shall receive such salary as the board shall determine in addition to the compensation and expenses provided for in section 6. The board may appoint an assistant secretary or executive secretary or may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the board is reasonably necessary for the proper performance of its duties under this act, including the expenses of the board's delegates to annual conventions of, and membership dues to, the national council of state boards of engineering examiners. Under no circumstances shall the total amount of warrants issued by the state auditor in payment of the expenses and compensation provided for in this act exceed the amount of the examination and registration fees collected as herein provided.

Secretary and assistant, other employees.

Limitation on expenditures.

Section 11. The board shall keep a record of its proceedings and a register of all applicants for registration, which register shall show (a) the name, age, and residence of each applicant; (b) the date of application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) the branch or branches of engineering in which the applicant qualified; (f) whether or not an examination was required; (g) whether the applicant was rejected; (h) whether a certificate of registration was granted; (i) the date of the action of the board; and (j) such other information as may be deemed necessary by the board.

Records.

The records of the board shall be prima facie evidence of the proceedings of the board set forth therein, and a transcript thereof, duly certified by the secretary of the board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

Annually, as of June 30, the board shall submit to the governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the board, attested by affidavits of its chairman and its secretary.

Annual report to the governor.

Section 12. A roster showing the names and places of business of all registered professional engineers and

Publication of roster.

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all registered land surveyors shall be published by the secretary of the board during the month of April of each year. Copies of this roster shall be mailed to each person so registered, placed on file with the secretary of state, the clerk of each incorporated city and town and in the office of each county clerk and recorder within the state, and furnished to the public upon request.

Minimum evidence of qualifications.

Section 13. The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for registration as a professional engineer, or land surveyor, or for certification as an engineer-in-training, respectively:

Professional engineer.

(1) As a professional engineer:

a.—Graduation in an approved engineering curriculum of four years or more from a school or college approved as of satisfactory standing by the engineers' council for professional development, or its successor as an agency evaluating professional engineering curricula; and a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the board, and indicating that the applicant is competent to practice engineering (in counting years of experience, the board at its discretion may give credit, not in excess of one year, for satisfactory graduate study in engineering), and by successfully passing an oral or written examination, or both, as the board may determine; or

b.—A specific record of eight years or more of experience in engineering work of a character satisfactory to the board, and successfully passing a written, or written and oral, examination designated to show that the applicant is competent to practice engineering; or

c.—A specific record of twelve years or more of lawful practice in engineering work of a character satisfactory to the board and indicating that the applicant is competent to practice engineering and has had responsible charge of important professional engineering work for at least five years, and provided applicant is not less than thirty-five years of age.

Engineer-in-training.

(2) As an engineer-in-training:

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a.—Graduation in an accredited engineering curriculum of four scholastic years or more from a school or college approved as of satisfactory standing by the engineers' council for professional development, or its successor as an agency evaluating professional engineering curricula, and successfully passing a written examination in the basic engineering subjects; or

b.—A specific record of four years or more of experience in engineering work of a character satisfactory to the board, and successfully passing a written examination in the basic engineering subjects.

(3) As a land surveyor: **Land surveyor.**

a.—Graduation from a school or college approved as of satisfactory standing by the engineers' council for professional development, or its successor as an agency evaluating professional engineering curricula, including the completion of an approved course in surveying; and an additional two years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying; or

b.—A specific record of six years or more of experience in land surveying work of a character satisfactory to the board and indicating that the applicant is competent to practice land surveying, and successfully passing a written, or written and oral, examination in surveying prescribed by the board; or

c.—A specific record of ten years or more of lawful practice in land surveying work of a character satisfactory to the board and provided applicant is not less than thirty years of age.

No person shall be eligible for registration as a professional engineer, or land surveyor, or certification as an engineer-in-training, who is not of good character and reputation. **Character and reputation.**

In considering the qualifications of applicants, engineering teaching may be construed as engineering experience. **Engineering teaching experience.**

The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved as of satisfactory standing by the en- **Undergraduate education to apply.**

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gineers' council for professional development, or its successor as an agency evaluating professional engineering curricula, without graduation, shall be considered as equivalent to a year of experience in section 13 (1) b and (2) b. Graduation in a curriculum other than engineering from a college or university of recognized standing may be considered as equivalent to two years of experience in section 13 (1) and (2) b; provided, however, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

Execution of work designed by engineer, not acceptable for experience.

The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not in itself be deemed to be qualifying engineering experience.

Need not be practicing to be eligible.

Any person having the necessary qualifications prescribed in this act to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

Application.

Section 14. Applications for registration shall be on forms prescribed and furnished by the board, shall contain statements made under oath, showing the applicant's education and detailed summary of his technical work, and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of his engineering experience.

Fee—professional engineers.

The registration fee for professional engineers shall be twenty dollars ($20.00), ten dollars ($10.00) of which shall accompany application, the remaining ten dollars ($10.00) to be paid upon issuance of certificate. When a certificate of qualification issued by the national bureau of engineering registration is accepted as evidence of qualification, the total fee for registration as professional engineer shall be ten dollars ($10.00).

Fee—engineer-in-training.

The fee for engineer-in-training shall be ten dollars ($10.00), which shall accompany the application and shall include the cost of examination and issuance of certificate. When certification as an engineer-in-training by another state, or any territory or possession of the United States, or of any country, is accepted as

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evidence of qualification, the fee for engineer-in-training in Montana shall be one dollar ($1.00). When registration as a professional engineer is completed by an engineer-in-training, an additional fee of ten dollars ($10.00) shall be paid before issuance of certificate as a professional engineer.

Fee—land surveyors.

The registration fee for land surveyors shall be ten dollars ($10.00), which shall accompany the application. The fee for registration as both a professional engineer and land surveyor shall be thirty dollars ($30.00), ten dollars ($10.00) of which shall accompany the application, the remaining twenty dollars ($20.00) to be paid upon issuance of certificate.

Fee to be retained.

Should the board deny the issuance of a certificate of registration to any applicant the initial fee deposited shall be retained as an application fee.

Examinations.

Section 15. When oral or written examinations are required, they shall be held at such time and place as the board shall determine. When examinations are required on fundamental engineering subjects (such as are ordinarily given in college curricula), the applicant shall be permitted to take this part of the profesional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit for a period of ten years. The board shall issue to each applicant upon successfully passing the examination in fundamental engineering subjects a certificate stating that he has passed the examination and that his name has been recorded as an engineer-in-training.

The scope of the examinations and the methods of procedure shall be prescribed by the board but, with special reference to the applicant's ability to design and supervise engineering works, so as to insure the safety of life, health, and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration separately in engineering and in land surveying. A candidate failing on examination may apply for re-examination at the expiration of six months and will be re-examined without payment of additional fee. Subsequent examinations will be

Re-examination—6 months.

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granted upon payment of a fee to be determined by the board.

Certificates.

Section 16. The board shall issue a certificate of registration, upon payment of registration fee as provided for in this act, to any applicant who, in the opinion of the board, has satisfactorily met all the requirements of this act. In the case of a registered engineer, the certificate shall authorize the "practice of engineering." In the case of an engineer-in-training, the certificate shall state that the applicant has successfully passed the examination in fundamental engineering subjects required by the board and has been enrolled as an "engineer-in-training." In the case of a registered land surveyor, the certificate shall authorize the "practice of land surveying." Certificates of registration and certificates as engineer-in-training shall show the full name of the registrant, shall have a serial number, and shall be signed by the chairman, and the secretary of the board under seal of the board.

The issuance of a certificate of registration by this board shall be prima facie evidence that the person named therein is subject to the responsibilities and entitled to all the rights and privileges of a registered professional engineer or of a registered land surveyor, while the said certificate remains unrevoked or unexpired.

Seal required for registrants.

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the board, bearing the registrant's name and the legend, "Registered Professional Engineer," and/or "Registered Land Surveyor." Plans, specifications, plats, and reports prepared by a registrant shall be stamped with the said seal when filed with public authorities, during the life of the registrant's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or reissued.

Expiration of certificates or registration, renewal.

Section 17. Certificates of registration shall expire on the last day of the month of December following their issuance or renewal and shall become invalid on that date unless renewed; provided, however, that certificates issued after the effective date of this act and

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prior to January 1, 1958, shall expire December 31, 1958. It shall be the duty of the secretary of the board to notify every person registered under this act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewal may be effected at any time during the month of December by the payment of a fee of five dollars ($5.00) for either a professional engineer or land surveyor, or both. The failure on the part of any registrant to renew his certificate annually in the month of December as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of December shall be increased ten per cent for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee.

Renewal fee.

Renewal fee to be increased for delay in renewing.

Section 18. No person who heretofore has been duly registered as a civil engineer and/or land surveyor under the laws of Montana and whose registration has not been revoked shall be required to register again under this act and his former registration shall be fully recognized under the provisions of this act. All certificates including those for engineer-in-training heretofore issued and not revoked shall have the same force and effect as if they had been issued under the provisions of this act, and shall be subject to the same rules, terms and conditions as are the certificates provided for in this act.

Prior registration under laws of Montana valid under this act.

Section 19. At any time within one year after this act becomes effective, upon application therefor and the payment of the registration fee of twenty dollars ($20.00), the board shall issue a certificate of registration, without oral or written examination, to any professional engineer, who shall submit evidence under oath satisfactory to the board that he is of good character, has been a resident of the State of Montana for at least one year immediately preceding the date of his application; and was practicing engineering in a branch of engineering other than civil engineering and land surveying, as defined in section 66-2303 of the Revised

Practitioners at time this act becomes effective, other engineering work.

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Codes of Montana, 1947, at the time this act became effective, and was performing engineering work of a character satisfactory to the board.

The board at its discretion may require applicants under this section to appear for personal interview.

After act in effect one year, certificates to be issued under section 13 or section 22 hereof, except for members of armed services.

After this act shall have been in effect one year, the board shall issue certificates of registration only as provided for in section 13 or section 22 hereof, except for individuals who are in the military service of the United States at the time this act becomes effective who were residents of this state at the time of entering such service, and who were practicing engineering immediately preceding or during said service, and have performed work of a character satisfactory to the board, for whom the provisions of this section shall apply at any time within one year after their respective honorable separations from said service.

Graduates of an approved engineering curriculum of four years or more from a school or college approved as of satisfactory standing by the engineers' council for professional development, or its successor as an agency evaluating professional engineering curricula; who are in the military service of the United States at the time this act becomes effective, shall be certified as engineers-in-training without examination, upon application therefor and payment of the fee of ten dollars ($10.00) at any time within one year after honorable separation from such service.

For civil engineers or land surveyors the preceding applies, except that such individuals shall have been in the military service of the United States as of July 1, 1948, as was provided in section 66-2318, Revised Codes of Montana, 1947.

Public works plans and specifications to bear seal and signature of engineer.

Section 20. All engineering plans and specifications for public works of the State of Montana, or any agency thereof, or of any county, city, or school district of the state, shall bear the seal and signature of the engineer responsible therefor.

Registration by endorsement, fee.

Section 21. The board may, upon application therefor, and the payment of a fee of ten dollars ($10.00), issue a certificate of registration as a professional engineer to any person who holds a certificate of qualifi-

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cation or registration issued to him by proper authority of the national council of state boards of engineering examiners, or of the national bureau of engineering registration, or of any state or territory or possession of the United States, or of any country, provided that the applicant's qualifications meet the requirements of this act and the rules established by the board.

Revocation, of certificates, grounds for, procedure.

Section 22. The board shall have the power to revoke the certificate of registration of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Any gross negligence, incompetency, or misconduct in the practice of engineering or land surveying as a registered professional engineer or land surveyor.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with the secretary of the board.

All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they shall have been preferred.

Hearing.

The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least thirty days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

Decision of board.

If, after such hearing, three or more members of the board vote in favor of finding the accused guilty, the board shall revoke the certificate of registration of such registered professional engineer or land surveyor.

Re-issuance of revoked certificates.

The board, for reasons it may deem sufficient, may re-issue a certificate of registration to any person whose certificate has been revoked, providing three or more members of the board vote in favor of such re-issuance.

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A new certificate of registration, to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the board, and a charge of three dollars ($3.00) shall be made for such issuance.

Fee.

Appeal to district court.

Any person who shall feel aggrieved by any action of the board in denying or revoking his certificate of registration may appeal therefrom to the district court of the county in which such denial or revocation was made, and, after full hearing, said court shall make such decree sustaining or reversing the action of the board as to it may seem just and proper.

Violations and penalties.

Section 23. Any person who shall practice, or offer to practice, engineering or land surveying in this state without being registered in accordance with the provisions of this act, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the board or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate of registration, or any person who shall violate any of the provisions of this act, shall be guilty of misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars ($100.00), nor more than five hundred dollars ($500.00), or suffer imprisonment for a period not exceeding three months, or both.

Enforcement.

It shall be the duty of all duly constituted officers of the law of this state, or any political subdivision thereof, to enforce the provisions of this act and to prosecute any persons violating same. The attorney general of the state or his assistant shall act as legal adviser of the board and render such legal assistance as may be necessary in carrying out the provisions of this act.

Act construed, savings clause.

Section 24. This act shall not be construed to prevent or to affect:

(a) The practice of any other legally recognized professions or trades.

(b) The mere execution of work by a contractor as

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distinguished from the planning or design thereof, or the supervision of the construction of such work as a foreman or superintendent; or

(c) The practice of a person not a resident of and having no established place of business in this state, practicing or offering to practice herein the profession of engineering or land surveying, when such practice does not exceed in the aggregate more than thirty days in any calendar year; provided such person is legally qualified by registration to practice the said profession in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this act; or

(d) The practice of a person not a resident of and having no established place of business in this state, or who has recently become a resident thereof, practicing or offering to practice engineering or land surveying herein for more than thirty days in any calendar year, if he shall have filed with the board an application for a certificate of registration and shall have paid the fee required by this act; provided that such a person is legally qualified by registration to practice engineering or land surveying in his own state or country in which the requirements and qualifications for obtaining a certificate of registration are not lower than those specified in this act. Such practice shall continue only for such time as the board requires for the consideration of the application for registration; or

(e) The performance of professional engineering functions or work by a person who is an employee of or acts under the supervision and direction of a professional engineer provided such person is not in responsible charge of such engineering work; or

(f) The practice of professional engineering by licensed architects where such practice is purely incidental to their practice of architecture, or

(g) The practice of officers and employees of the government of the United States while engaged within this state in the practice of engineering or land surveying, for said government, or

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(h) The practice of professional engineering or land surveying in this state by a firm, co-partnership, corporation or joint stock association, or by its members, officers or employees on its behalf, provided each person in responsible charge of activities of the firm, co-partnership, corporation or joint stock association which constitutes such practice is a professional engineer or land surveyor respectively, holding a certificate of registration under this act.

Severability clause.

Section 25. If any section or sections of this act shall be declared unconstitutional or invalid, this shall not invalidate any other sections of this act.

Repealing clause.

Section 26. All acts and parts of acts in conflict with this act shall be, and the same are hereby repealed.

Repeal of section 66-2301 through 66-2323, R.C.M. 1947.

No effect on licenses or registrations in existence on passage and approval date of this act.

Section 27. Sections 66-2301 through 66-2323, Revised Codes of Montana, 1947, originating as chapter 284, laws of the thirtieth legislative assembly, 1947, shall be, and the same are repealed; provided, however, that this repeal shall not terminate or in any respect invalidate any licenses or certificates in full force and effect at the date this act becomes effective, and continued in full force and effect by the provisions of section 18 of this act.

Transfer of balance of money in civil engineers fund to professional engineers' fund.

Section 28. The balance of the money in the state treasury in the civil engineers fund, as was provided for in section 66-2310, Revised Codes of Montana, 1947, shall upon the effective date of this act be transferred to the professional engineers' fund as provided in section 10 of this act.

Approved March 7, 1957.

CHAPTER 151

An Act to Amend Section 26-104, Revised Codes of Montana, 1947, as Amended by Chapter 40, Session Laws of 1951, and Chapter 157, Session Laws of 1955, Relating to the Powers and Duties of the State Fish and Game Commission and Adding Subsection (25) Thereto, Providing for the Removal of Certain Rough Fish Under the Rules and Regulations of the Commission; and Containing a Repealing Clause.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 26-104, Revised Codes of Montana, 1947, as amended by chapter 40, session laws of 1951, and chapter 157, session laws of 1955, be amended by the addition of the following subsection:

Commission authority to take certain species of rough fish methods, disposal of same.

(25). It shall have authority to take rough fish of the following species: carp, suckers, catfish, buffalo, bullheads, goldeye, drum and squaw fish from the waters of Fort Peck Reservoir, by means of day labor, contract or permit, through the use of seines, or nets under such rules, regulations, contracts or permit as the commission shall prescribe. All rough fish so removed by the commission, by permit or contract, shall be disposed of in such form and in such manner, by sale or otherwise, as the commission, by its regulations, contracts or permits shall prescribe.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 152

An Act to Amend Chapter 5 of Title 38 of the Revised Codes of Montana, 1947, Relating to the Parole of Patients and Inserting the Word Convalescent Leave in Lieu of the Word Parole.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 38-502 of the Revised Codes of Montana, 1947, be amended as follows:

Convalescent leave of patients may be granted.

"Section 38-502. *Convalescent Leave* **of Patients from Montana State Hospital.** The superintendent of the Montana state hospital may grant a *convalescent leave* to a patient under general conditions prescribed by the state board of commissioners for the insane."

Amending clause.

Section 2. That section 38-503 of the Revised Codes of Montana, 1947, be amended as follows:

Permitting patient to leave on convalescent leave.

"Section 38-503. **Permitting Patient to Leave.** A patient of the Montana state hospital may be permitted by the superintendent to leave the institution on *conval-*

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escent leave and remain in the custody of a parent, relative, legal guardian or other person."

Amending clause.

Section 3. That Section 38-504 of the Revised Codes of Montana, 1947, be amended as follows:

Termination of convalescent leave.

"Section 38-504. **Termination of** *Convalescent Leave.* All such patients, while on *convalescent leave,* shall remain in the legal custody, and under the control of the state board of commissioners for the insane, and at any time during such *convalescent leave,* upon evidence satisfactory to the superintendent or to the state board of commissioners for the insane, that *convalescent leave* should terminate, such patient must be returned to the Montana state hospital. The written order of the state board of commissioners for the insane, certified by the superintendent of the hospital, shall be sufficient warrant to any officer to retake and return such patient to actual custody in the Montana state hospital."

Written order to return to custody.

Amending clause.

Section 4. That section 38-505 of the Revised Codes of Montana, 1947, be amended as follows:

Report by person under whom patient is placed on convalescent leave.

"Section 38-505. **Report by Person** *Under* **Whom Patient** *is Placed on Convalescent Leave.* The person to whom such person shall be *placed on convalescent leave* shall report the physical, moral and mental condition of the patient to the superintendent either in person or by writing as often and as fully as the superintendent may require, and subject to such recommendations and regulations as the state board of commissioners for the insane may determine. In case of failure so to report on request, the inmate may be returned to the Montana state hospital. The patient shall be accessible to representatives of the hospital."

Amending clause

Section 5. That section 38-506 of the Revised Codes of Montana, 1947, be amended as follows:

Support of patient placed on convalescent leave, discharge by lapse of time.

"Section 38-506. **Support of Patient** *Placed* **on** *Convalescent Leave,* **Discharged by Lapse of Time.** The Montana state hospital *placing* a patient *on convalescent leave* as aforesaid shall not be liable for his support while on *convalescent leave.* Such liability shall devolve upon the legal guardian, parent, or person or persons *under* whose care the patient is *placed on convalescent leave,* or upon any other person legally liable for his support.

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The public welfare officials of the county where the patient resides or is found, shall be responsible for providing relief and care for such patient on *convalescent leave* who is unable to maintain himself, or who is unable to secure support from the person *under* whose care he was *placed on convalescent leave,* as for any other person in need of relief and care, under the provisions of the public welfare laws. The person *under* whose care the patient is *placed on convalescent leave* or any other person legally liable for his support, shall, if such *convalescent leave* be revoked, be liable for any expense incurred by the state or county in procuring the return of such patient to the hospital.

Power and duty of superintendent to place patients on convalescent leave.

Discharge after two years leave.

"The superintendent of the Montana state hospital shall have the power and it shall be his duty to *place on convalescent leave* any patient under his control when he believes it to be for the best interests of such patient and society to do so. If any patient so *placed on convalescent leave* shall not be returned to said institution within a period of two (2) years thereafter, he shall be deemed discharged therefrom and entry shall be made accordingly in the records of the institution; and if any patient who has escaped from said institution shall not be returned thereto within two (2) years thereafter, he shall be deemed discharged therefrom and an entry made accordingly in the records of said institution. Whenever a patient shall be discharged whether by *convalescent leave* continuing for a period of two (2) years or by having escaped and not having been returned within two (2) years, the superintendent of the Montana state hospital shall immediately notify in writing the judge of the court by which said patient was committed and no person so discharged shall be recommitted to the state hospital except by court order and upon proceedings as required by law for commitment in the first instance. Provided, however, that nothing herein contained shall be construed as a restoration of civil rights of persons so discharged or as a restoration to sanity, or to relieve the superintendent of the Montana state hospital from the obligation of supervising patients on *convalescent leave* to the extent of available facilities and finances."

Escapees—discharge after two years.

Superintendent to notify judge of discharge.

Proviso—no restoration of rights, sanity.

Amending clause.

Section 6. That section 38-507 of the Revised Codes of Montana, 1947, be amended as follows:

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Suitable clothing for patients on convalescent leave or discharged.

"Section 38-507. **Clothing for** *Patient on Convalescent Leave* **or Discharged Patient.** No patient or inmate shall be discharged or *placed on convalescent leave* from the Montana state hospital without suitable clothing adapted to the season in which he is discharged."

Approved March 7, 1957.

CHAPTER 153

An Act to Amend Section 38-111 of the Revised Codes of Montana, 1947, Relating to the Filing of a Written Report by Deleting the Requirement That the Hospital Staff of the Montana State Hospital File a Written Report with the State Board of Commissioners for the Insane; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 38-111 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Periodic medical examination of patients.

"Section 38-111. **Periodic Medical Examination.** It shall be the duty of the hospital medical staff to examine patients who have curable diseases every six months."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 154

An Act Permitting the Use of a Red Blinker-Type Light by Firemen on Their Privately Owned Motor Vehicles When on Emergency Duty Only; Describing the Emergency Light; Providing That it Shall be a Misdemeanor for the Misuse Thereof; and Containing a Repealing Clause.

Firemen may be permitted to use blinker-type red light on front of privately-own motor vehicle with word "fire" on lens.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. Firemen, when authorized by the chief of their respective department, shall be permitted to use a blinker-type red light on the front of their privately

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owned motor vehicles with the word "FIRE" inscribed on the lens, which lens shall not exceed five and one-half inches in diameter. This light shall be used on emergency duty only.

Identification card required.

Any fireman displaying the emergency red light on his privately owned motor vehicle, shall also carry attached to a convenient location on the vehicle to which the red light is attached, an identification card showing the name of the owner of said vehicle, the organization to which he belongs, and bearing the signature of the chief of his department, authorizing the emergency use of said light.

Misdemeanor.

Section 2. Any person violating the provisions of this act is guilty of a misdemeanor.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 155

An Act Authorizing Counties to Lease for Oil and Gas Development Purposes Interests in Oil and Gas Reserved or Excepted by the Counties in Deeds or Contracts Covering Lands Acquired by Tax Deed, or to Ratify, Confirm and Adopt Existing Leases of Such Land; Validating Such Leases, Ratifications, Confirmations and Adoptions Heretofore Executed; and Providing That This Act Shall be in Force and Effect Upon Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of county commissioners authorized to lease interest in oil and gas under land acquired by tax deed.

Section 1. When in any deed or contract for sale a county has reserved or excepted an interest in oil and gas in and under any land acquired by tax deed, the board of county commissioners may lease such interest for oil and gas development purposes upon the same terms and conditions as are provided for the leasing of lands which have been acquired by tax deed, offered for sale and not sold, or may ratify, confirm and adopt any then existing mineral or oil and gas lease insofar as it describes such land. All such leases, ratifications, confirmations and adoptions heretofore executed by the board of county

Prior leases declared to be valid.

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commissioners are declared to be valid and are ratified, approved and confirmed.

Effective immediately.

Section 2. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1957.

CHAPTER 156

An Act to Amend Section 10-703, Revised Codes of Montana, 1947, Relating to Licensing of Adoption Agencies; Establishing Minimum Requirements for Licensing; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 10-703, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

State department of public welfare authorized to issue licenses to agencies for adoption of minor children, rules and regulations.

"10-703. **Licenses Issued by Department of Public Welfare — Rules and Regulations — Minimum Requirements of Licensees.** The state department of public welfare is hereby authorized and directed to issue licenses to persons now acting as agencies for procuring the adoption of minor children, or who may desire to operate as such agency in the future, and to prescribe the conditions upon which such licenses shall be issued, and to make such rules and regulations for the conduct of the affairs of such agencies as are consistent with the welfare of such minor children, provided, however, that said state department of public welfare must issue licenses to agencies meeting the following minimum requirements:

Minimum requirements.

"(1) The chief function of the agency must be the care and placement of minor children.

Non-profit and financially responsible.

"(2) The agency must operate on a non-profit basis *and be financially responsible in and for its operation.*

Personnel qualified.

"(3) The directing or managing personnel of the agency must be qualified both on the basis of professional education and personality.

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"(4) Complete records must be kept of both the minor children and adopting parents with which the agency deals, and such records must be confidential. Records.

"(5) The agency must follow the practice of verifying that the child is legally available for adoption and of not completing the adoption until the child has been in the proposed adoptive home for a trial period. Verification and trial period visit.

"(6) The agency must have and use facilities for making a social study of the child and proposed adoptive parents before placement of the child, particularly with regard to (a) the physical and mental health, emotional stability, and personal integrity of the adopting parents, and their ability to promote the child's welfare; and (b) the physical and mental condition of the child, and its family background. Facilities.

"(7) The agency must agree to co-operate with courts having jurisdiction in adoptive matters, and with other public agencies having to deal with the welfare of minor children." Cooperation with courts and other agencies.

(8) Any such agency must annually submit a full, complete and true financial statement to the department of public welfare, and such statement shall contain a full accounting of the operations of such agency during the preceding year. When the state department of public welfare finds, upon the basis of said report, or upon its own investigation, that any such agency has not conducted, or is financially incapable of conducting, its operations according to the standards established pursuant to this act, then the department is precluded from the issuance of, or continuance in effect of, any such license for said agency for the subsequent year. Annual financial statement. Board may discontinue license.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 7, 1957.

CHAPTER 157

An Act to Amend Section 90-126 of the Revised Codes of Montana, 1947, as Amended by Chapter 143, Laws of Montana, 1951, Relating to the Testing of Weighing or Measuring Devices by the State Sealer of

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Weights and Measures or His Deputies; Providing for a Seal of Approval for Weighing or Measuring Device; Providing Penalty for Using Weighing or Measuring Devices Which Have Not Been Tested; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 90-126, of the Revised Codes of Montana, 1947, as amended by chapter 143, Laws of Montana 1951, be, and the same is hereby amended to read as follows:

Penalty for using weights or measures without having seal of approval attached.

"90-126. (4240) **Penalty for Using False Weights — Seals.** From and after the passage and approval of this act it shall be unlawful for any person or persons, firm, or co-partnership, corporation, or association of persons engaged in the trade of buying or selling, purchasing or disposing of, or dealing in any merchandise or commodities to any person, or persons in the State of Montana, to sell or purchase by weight or by measures, without first having had the weights and measures, scales or measuring devices used by them, or in their possession, for the purpose of determining the amount or quantity of any article or articles of merchandise, tested and a seal of approval attached thereto by the state sealer of weights and measures, or by his deputies. Such seal shall be attached or placed in a conspicuous place upon such weighing or measuring device. Any person or persons making use of weighing *or measuring* devices subject to this act must report to the sealer of weights and measures or his deputies, in writing, the number and location of said weighing *or measuring* device and must promptly report the installation of any new weighing *or measuring* device. Any person or persons using any weight or measure, or scale or other measuring device after the passage and approval of this act, or annually thereafter, which has not been tested as provided by this act, shall, upon conviction thereof, be deemed guilty of a misdemeanor, *and will be subject to a fine not less than ten dollars ($10.00) and no more than one hundred dollars ($100.00).*"

Fine.

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

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CHAPTER 158

An Act to Re-Establish the Child Welfare Advisory Committee of the State of Montana as Provided in Chapter 128 of the Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955; Providing for the Appointment of Such Committee by the Governor of the State of Montana; Providing for the Duties of Such Committee, its Composition and Period of Existence; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Child welfare study committee of 12 members appointed by the governor.

Duty.

Section 1. That within sixty (60) days following the adjournment of this legislative assembly, the governor shall appoint a committee of twelve (12) persons, which committee shall meet and organize itself within thirty (30) days following appointment; and which committee shall make a complete study of the laws of the State of Montana pertaining to the welfare of delinquent, dependent and neglected children, and prepare for introduction to, and consideration by the 1959 legislative assembly, a complete code of laws relating to the procedures and care of such children.

Composition of committee.

Section 2. Such committee shall be composed of one (1) judge, one (1) senator, one (1) representative, one (1) representative from the private child-placing agencies now licensed by the State of Montana, one (1) doctor, one (1) practicing attorney-at-law, one (1) representative of the Montana state department of public welfare, and five (5) lay persons to be selected at large.

Designated "child welfare advisory committee."

Reimbursement for expenses from federal moneys.

Section 3. The committee hereby established shall be designated as the child welfare advisory committee. The members thereof will be reimbursed actual and necessary expenses expended in attendance at meetings; and such reimbursement shall be made out of any federal moneys now available, or to become available, for such purposes, and paid out of any such funds by the Montana state department of public welfare. Such committee is hereby authorized to call upon any department of the State of Montana for information and assistance in carrying out its assigned duties.

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Organization, term of existence, recommendations.

Section 4. The committee shall designate one of its members as chairman, who shall be empowered to call meetings at such times and places within Montana as he deems necessary. The term of existence of such committee shall be until December 31, 1958. At or before the fifteenth day of December, 1958, the committee shall submit to the governor of the State of Montana its recommendations. The governor of the State of Montana shall recommend to the thirty-sixth legislative assembly appropriate action for amendment or recodification of the laws pertaining to the care and welfare of children.

Effective immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1957.

CHAPTER 159

An Act to Provide for the Employer to Give to the Employee an Itemized Statement Including the Amounts of Any Deductions Made by the Employer for State and Federal Income Taxes, Social Security or Any Other Deductions; Providing Further That if no Deductions are Withheld by the Employer That the Employer Give to the Employee at the Time he Makes Payment for Salaries or Wages a Statement Stating That No Deductions Have Been Made; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Employers to furnish itemized statement showing deductions and amounts thereof, specified.

Section 1. All employers in this state when making payment to employees for salaries or wages shall, upon making such payment, give to the employee an itemized statement setting forth moneys deducted because of state and federal income taxes, social security or any other deductions together with the amount of each deduction.

Statement where no deductions made.

Where no deduction is made in such payment of wages or salaries the employer shall give to the employee a statement that the payment does not include any such deductions.

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 7, 1957.

CHAPTER 160

An Act to Amend Section 25-309, Revised Codes of Montana, 1947, Relating to Fees of Constables; Providing That Constables in Townships Having a Population of More Than Twenty Thousand People Shall Each Receive a Salary of Twenty-four Hundred Dollars Per Annum and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 25-309 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"25-309. (4932) **Fees of Constable.** For serving summons, including copy on each defendant, besides mileage, fifty cents. Constable fees.

"For serving subpoena, including copy on each person, besides mileage, twenty cents.

"For all services in summoning a jury and taking charge of same, two dollars.

"For all services in serving an attachment on property, or levying an execution, or executing an order of arrest, or order for the delivery of personal property, including all copies, one dollar.

"For the expense in taking and keeping possession of or preserving property under attachment, execution, or other process, the same fees and upon the same conditions as allowed to the sheriff.

"For taking and receiving undertaking in any case in which he is authorized, one dollar.

"For serving every notice, rule or order, besides mileage, including copy, one dollar.

"For advertising any property for sale under execution, exclusive of costs of publication, one dollar.

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"For serving writ of possession, besides mileage, two dollars.

"For all services in trial of right of property or damages, besides mileage, three dollars.

"For commissions for receiving and paying over money on execution or other process where property has been levied on and sold, two per cent; when collected without sale, one per cent.

"For mileage, the same as sheriff and under the same conditions.

"For executing in duplicate a certificate of sale exclusive of the fee for filing, one dollar.

"For drawing and executing a constable's deed, including acknowledgement, three dollars.

"For making every arrest in a criminal proceeding, or executing a search warrant, besides mileage, one dollar and fifty cents.

"For all services in summoning and taking charge of a jury, two dollars.

"For serving a subpoena, including copy on each person, besides mileage, twenty cents.

Mileage.

"For every mile necessarily traveled in executing any warrant, serving subpoena, or taking a person before a magistrate or to jail, the same mileage as in civil actions, and under the same conditions, and in addition, in serving a subpoena or warrant when two or more persons are named in any warrant or subpoena, in the same or different actions in the hands of the officer, and such persons live in the same direction, but one mileage must be charged, as provided for the mileage of sheriffs in civil actions.

"When two or more persons are brought before a magistrate or to jail at the same time, or might have been so brought, the officer must be allowed but one mileage.

Expenses.

"For conveying a person when under arrest, the actual expense incurred in the transportation of such person must be allowed by the board of county commisisoners, but the officer must pay his own expenses out of his mileage.

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"The total amount of fees allowed in criminal cases by the board of county commissioners must not exceed five hundred dollars ($500.00) in any one year. The excess must be paid into the contingent fund of the county treasury. Maximum annual fees on criminal cases.

"That constables in townships having a population of twelve thousand (12,000) people and not exceeding twenty thousand (20,000) people, shall each receive a salary of $900.00 per annum, payable monthly from the county treasury. Constables in townships having a population of more than twenty thousand (20,000) people shall each receive a salary of *$2,4*00.00 per annum, payable monthly from the county treasury, and constables in such townships where the population is twelve thousand (12,000) people and not more than thirty-five thousand (35,000) people shall receive no other fees for civil suits or criminal actions except mileage in the performance of their duties. Any such fees received by the constables shall be turned over to the county treasurer." Salaries.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 7, 1957.

CHAPTER 161

An Act to Provide for the Submission to the Qualified Electors of the State of Montana an Amendment to Section 6, Article XIII of the Constitution of the State of Montana, Relating to the Limitations of Indebtedness of Liability of School Districts, High School Districts, Towns and Townships.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 6 of article XIII of the constitution of the State of Montana be amended as hereinafter provided, and that the question of such amendment be submitted to the qualified electors of the State of Montana at the general election to be held in November of 1958. Amendment of constitution to be submitted at general election November, 1958.

Section 2. That section 6 of article XIII of the constitution of the State of Montana be, and the same is hereby amended to read as follows: Amending article XIII, section 6.

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Including high school districts in the provisions thereof, proposed amendment.

"Sec. 6. No city, town, township, school district *or high school district* shall be allowed to become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding five per centum (5%) of the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount given by or on behalf of such city, town, township, school district *or high school district* shall be void; *and each school district and each high school district shall have separate and independent bonding capacities within the limitation of this section;* provided, however, that the legislative assembly may extend the limit mentioned in this section, by authorizing municipal corporations to submit the question to a vote of the taxpayers affected thereby, when such increase is necessary to construct a sewerage system or to procure a supply of water for such municipality which shall own and control said water supply and devote the revenues derived therefrom to the payment of the debt."

Proposed—each school district and high school district to have separate and independent bonding capacities.

Official ballot.

Section 3. This amendment shall be submitted to the qualified electors of the State of Montana by being placed upon an official ballot provided by chapter 11 of title 23 of the Revised Codes of Montana, 1947, as amended by chapter 79 of the session laws of Montana of 1949, and as amended by chapter 72 of the session laws of Montana of 1953, and as provided by law; and there shall be printed on such ballots the title of this act and the following words:

☐ For the above amendment

☐ Against the above amendment

Approved March 7, 1957.

CHAPTER 162

An Act to Provide for an Elementary School Supervisor in the State Department of Public Instruction; to Provide for the Appointment; Defining His Duties and Qualifications; and Repealing All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Appointment of elementary supervisor in state department of public instruction, duties and qualifications, salary and term.

Section 1. The state superintendent of public instruction with the approval of the state board of education shall appoint one elementary supervisor for the state, whose duty it shall be to inspect and supervise the work of the elementary schools of the state and to report from time to time such information concerning the same as the state superintendent of public instruction may require. These duties shall not be in conflict with the duties of the rural school supervisor. The elementary supervisor shall have at least the qualifications required by law for a county superintendent of schools and shall hold office for such term and at such salary as the state superintendent with the approval of the state board of education may fix. The salary and expenses of such elementary supervisor shall be paid out of moneys appropriated for the support of the state department of public instruction.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 163

An Act to Amend Section 75-1805 of the Revised Codes of Montana, 1947, as Amended by Chapter 232, Laws of 1955, by Providing That in the Creation of a New School District the Limitation as to the Remaining Taxable Valuation of the Existing District or Districts Shall Not Apply in Cases Where the Territory Remaining in the Existing District or Districts Includes at Least Fifty Thousand (50,000) Acres of Nontaxable Indian Land, and by Providing That the Limitation as to the Taxable Valuation of the Proposed New District Shall Not Apply in Cases Where the Proposed New District Includes at Least Fifty Thousand (50,000) Acres of Nontaxable Indian Land; by Adding the Word "It" in Subsection (3) for the Purpose of Clarification; Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing for Effective Date of Act.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amending clause.

Section 1. That section 75-1805 of the Revised Codes of Montana, 1947, as amended by chapter 232, laws of 1955, be, and the same is hereby amended to read as follows:

"75-1805. (1024) **Creation of New Districts Out of Other Districts — Change of Boundaries.**

Creation of new districts—requirements, procedure.

(1) A new school district may be created out of portions of one (1) or more existing school districts where the taxable valuation (the percentage valuation upon which levies are made and taxes computed) of property remaining in each district from which territory is taken is not reduced below seventy-five thousand dollars ($75,000.00) and where the number of census children between the ages of six (6) and sixteen (16) years is not reduced below fifteen (15). For the purpose of organizing a new school district out of one (1) or more existing districts, a petition in writing shall be made to the county superintendent of schools, signed by parents or guardians of at least ten (10) census children between the ages of six (6) and sixteen (16) years, residing within the boundaries of the proposed new district, and residing at a greater distance than three (3) miles from any schoolhouse owned by any one of such school districts in which a school is maintained. The petition shall describe the boundaries of the proposed new district and give the names of all children of school age residing therein at the date of the presenting of said petition. The petition shall also show the taxable valuation (the percentage valuation upon which levies are made and taxes computed) of the property within the proposed new district which must not be less than seventy-five thousand dollars ($75,000.00) as shown by the last completed assessment roll. *Provided, however, that said provision as to the minimum remaining taxable valuation of each district from which territory is taken shall not apply in a case where such district has at least fifty thousand (50,000) acres of nontaxable Indian land remaining within its borders and provided, further, that said provision as to the minimum taxable valuation of such proposed new district shall not apply where such proposed district contains at least fifty thousand (50,000) acres of nontaxable Indian land.*

Proviso—where Indian land nontaxable.

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"(2) The county superintendent shall within five (5) days from the receipt of such petition give notice of the hearing of said petition by posting or causing to be posted, a notice thereof at least ten (10) days prior to the time appointed by him for consideration of said petition, in at least three (3) of the most public places in the proposed new district and one (1) on each schoolhouse door of each district affected by the proposed change, or if there be no school house, then in one (1) of the most public places in each of said old districts; and shall on the day fixed in the notice proceed to hear said petition at the place designated in said notice, which must be either at the courthouse of the county or else at the schoolhouse in one of the school districts affected, unless a protest in writing signed by at least a majority of the school electors residing within such proposed school district shall be filed with the county superintendent of schools before or at the time fixed in the notice for the hearing of said petition, in which event the proposed school district shall not be created. If no such protest be filed, then the county superintendent, upon hearing the petition, shall within ten (10) days from the date of such hearing, make an order establishing the new district and describing the boundaries thereof, or make an order denying such petition.

County superintendents, notice and hearing.

"(3) An appeal may be taken to the board of county commissioners of the county, from either order made as aforesaid by three (3) resident taxpayers of either the old or the new district who are dissatisfied with said order. Such appeal shall be taken within thirty (30) days of the date of such order and upon the hearing of said matter by the board of county commissioners, a decision shall be rendered which shall be final. The appeals mentioned in this section shall be in writing, subscribed by the parties taking the appeal and shall recite sufficient facts to show their rights to appeal hereunder, and that *it* is an appeal from the decision rendered, and such an appeal shall be filed with the county superintendent within thirty (30) days from the date of the order establishing such new district or denying such petition. The county superintendent shall, within twenty (20) days from the filing of such notice of appeal transmit to the board of county commissioners, and file in the office of the county clerk, the notice of appeal and all petitions,

Appeal to board of county commissioners.

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plats, and papers in his possession pertaining to the petition for the creation of such new school district.

Notice of appeal—posting.

"(4) The county clerk shall forthwith, upon receipt of such notice of appeal and other papers, give notice to all parties interested, by causing to be posted at least ten (10) days prior to the date of the next regular meeting of the board of county commissioners, in at least three (3) of the most public places in the proposed new district, and one (1) on each schoolhouse door of each district affected by the proposed change, or if there be no schoolhouse, then in one (1) of the most public places in each of said old districts, notices to the effect that the board of county commissioners will, at its office in the courthouse, upon a certain date, specifying the same in such notices, which date shall be during the next regular session of the board, finally hear and determine said appeal and said petition for the creation of such new district. The boundaries of any district can be changed in the following manner, to wit:

Transfer to different district, requirements, procedure.

"(5) A majority of the resident taxpayers who are registered electors and whose names appear upon the last completed assessment roll for state, county and school district taxes, residing in territory which is a part of any organized school district may present a petition in writing to the county superintendent of schools, asking that such territory be transferred to, or included in, any other organized district to which said territory is contiguous, provided, however, that no territory within three (3) miles of an established school in such district shall be so transferred and provided further that the taxable valuation (the percentage valuation upon which levies are made and taxes computed) of property in the district from which territory is taken shall not be reduced to less than seventy-five thousand dollars ($75,000.00); provided, however, that this latter provision shall not apply in cases where the remaining taxable valuation of the district from which the territory is taken contains at least fifty thousand (50,000) acres of nontaxable Indian land.

Proviso—where Indian land.

Contents of petition.

"(6) The petition shall describe the territory which it is proposed to transfer or include, and shall also state the reason for desiring such change, and the number of children of school age, if any, residing in the territory to be transferred or included.

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Filing, notice and hearing.

"(7) The county superintendent shall file said petition in his office immediately on receipt thereof, and shall give notice to the parties interested by posting notices at least ten (10) days prior to the time appointed for considering said petition, one (1) of which shall be in a public place in the territory which is proposed to be transferred or included, and one (1) on the door of each schoolhouse in each district affected by the change, or if there be no schoolhouse in such district, then in some public place in such district or districts, and at the time stated in said notice for the consideration of such petition, which shall not be less than ten (10) days nor more than thirty (30) days after the date of filing such petition, he shall proceed to hear such petition, and if he deem it advisable and for the best interest of the territory proposed to be transferred or included, he shall grant such petition and make an order fixing the boundaries of the district so changed, which order shall be final, unless an appeal be taken to the board of county commissioners of the county wherein such districts are located within thirty (30) days thereafter, and upon hearing thereof the decision of said board shall be final.

Appeal to board.

Record on appeal.

"(8) All the papers, documents, and records in the case shall be certified by the county superintendent to the county commissioners for their determination of the matter on appeal; provided, that lands lying contiguous to a district and not attached to any district shall be attached to an adjacent district by the county superintendent of his own motion, and provided further, that all districts shall consist of contiguous territory."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1957.

CHAPTER 164

An Act to Amend Section 53-419 of Replacement Volume 3 of the Revised Codes of Montana, 1947, Relating to Supervisor to Administer Act — Appeal to Court; Providing for the Salary of the Executive Assistant; by

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Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 53-419 of replacement volume 3 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Supervisor to administer act.

"53-419. **Supervisor to Administer Act — Appeal to Court.** (a) The supervisor shall administer and enforce the provisions of this act and may make rules and regulations necessary for its administration and may provide for hearings upon request of persons aggrieved by orders or acts of the supervisor under the provisions of this act.

Executive assistant to supervisor.

"(b) An executive assistant to the supervisor shall be appointed by the 'Montana highway patrol board,' subject to and in accordance with sections 31-105 and

Powers.

31-106, who shall be vested with full power and authority to act for and on behalf of the supervisor in the administration of this act; and who shall perform such other and further duties as shall be prescribed by the Mon-

Salary.

tana highway patrol board. The salary of the executive assistant shall be *the same as that of a captain.*

Appeal to district court from decision or order by supervisor.

"(c) At any time within sixty (60) days after the rendition of any decision or order by the supervisor under the provisions of this act, any party in interest may appeal to the district court of the judicial district of the State of Montana, in and for any county wherein any party in interest may reside, or in which any party in interest which is a corporation may have its principal office, or place of business, and said appeal may be for the purpose of having the lawfulness of any order, decision, or act of the said supervisor inquired into and determined. The court shall determine whether the filing of an appeal shall operate as a stay of any order or decision

Procedure.

of the supervisor. Said appeal shall be taken by serving a written notice of said appeal upon the supervisor, which said service shall be made by delivering a copy of such notice to the supervisor and filing the original thereof with the clerk of the court to which said appeal is taken. A copy of such notice must also be served upon all other parties in interest, if there be any, by mailing the same to said parties in interest to such addresses of such parties

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as such parties shall have left with the supervisor. If such parties shall have left no address with the supervisor, then no service on such parties shall be required. The order of filing and service of said notice is immaterial. Immediately upon service upon said supervisor of said notice, the supervisor shall certify to said district court a complete record of all proceedings had by him with reference to the decision, order or act appealed from, together with all official forms or documents in the possession of said supervisor pertaining to said decision, order or act, and all correspondence and other written matter in the possession of said supervisor pertaining to said decision, order or act, with the clerk of the said district court. Immediately upon the return of such certified matter, the district court shall fix a day for the hearing of said appeal, and shall cause notice to be served upon the supervisor and upon the appellant, and also upon any other parties in interest upon whom service was required under the provisions of this section. The court may, upon the hearing, for a good cause shown, permit evidence in addition to the matter certified by the supervisor to the court, but, in the absence of such permission from the court, the cause shall be heard on the matter certified to the court by the supervisor. The trial of the matter shall be de novo, without a jury, and upon such trial the court shall determine whether or not the supervisor regularly pursued his authority, and whether or not the findings of the supervisor ought to be sustained and whether or not such findings are reasonable, under all circumstances of the case. The supervisor, and each party in interest, shall have the right to appear in the proceeding. If the court shall find from such trial, as aforesaid, that the findings and conclusions of the supervisor are not in accordance with either the facts or the law, or that they ought to be other or different than those made by the supervisor, or that any finding and conclusion, or any decision, order, act, rule, or requirement of the supervisor is unreasonable, the court shall set aside such finding, conclusion, decision, order, act, rule or requirement of said supervisor, or shall modify or change the same as law and justice shall require, and the court shall also make and enter any finding, conclusion, order or judgment that shall be required, or shall be legal and proper in the premises. Either the supervisor, or the appellant, or any other party in in-

Trial de novo.

Appeal to the supreme court of Montana.

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terest, if there be any, may appeal to the supreme court of the State of Montana, from any final order, judgment, or decree of said district court, which said appeal shall be taken in like manner as appeals are now taken in other civil actions to the said supreme court, and upon such appeal, the said supreme court shall make such orders in reference to a stay of proceedings as it finds to be just in the premises, and may stay the operation of any order, judgment, or decree of said district court, without requiring any bond or undertaking from the applicant for such stay. When any such cause is so appealed, it shall have precedence upon the calendar of said supreme court upon the record made in said district court, and upon the matters certified to or which ought to have been certified by said supervisor to said district court, and judgment and decree shall be entered therein as expeditiously as possible."

Stay may be granted without bond.

Precedence on calendar.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 165

An Act to Amend Section 31-145 of the Revised Codes of Montana, 1947, Relating to When Court to Forward License to Board and Report Convictions; by Requiring Court to Forward to Board a Report of Nonpossession of License in Cases Where Persons Convicted do Not Possess License; by Providing That Period of Revocation Commences from Date of Conviction or from Date of Bail Forfeiture; by Repealing All Acts or Parts of Acts in Conflict Herewith:

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 31-145 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 31-145. **When Court to Forward License to Board and Report Convictions.**

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When court to forward license to board and report convictions.

"(a) Whenever any person is convicted of any offense for which this act makes mandatory the revocation of the operator's or chauffeur's license of such person by the board, the court in which such conviction is had shall require the surrender to it of all operator's and chauffeur's licenses then held by the person so convicted. *The court shall thereupon forward said license to the board and at the same time forward a record of such conviction to the board, providing that if such person does not possess a driver's license the court shall so indicate in its report to the board.*

To forward record of conviction.

If no license, court so to report.

"(b) Every court having jurisdiction over offenses committed under this act, or any other act of this state or municipal ordinance regulating the operation of motor vehicles on highways, shall forward to the board a record of the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the operator's or chauffeur's license of the person so convicted.

"Conviction" defined.

"(c) For the purposes of this act the term 'conviction' shall mean a final conviction. Also, for the purposes of this act a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be reported to the board by the court having jurisdiction.

Forfeitures to be reported by court.

Commencement of revocation.

"(d) Any person convicted of any offense which makes mandatory the revocation of the operator's or chauffeur's license, such period of revocation shall commence from date of conviction or forfeiture of bail."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 166

An Act to Amend Section 82-3102, Revised Codes of Montana, 1947, Relating to Authority and Duties of the State Agency for Surplus Property and the Relationship of the State Agency for Surplus Property with the Department or Agencies of the United States of America; to Provide for Addition to the Institu-

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tions and Agencies Eligible to Receive Surplus Property of Civil Defense Organizations of the State or Political Subdivisions and Instrumentalities Thereof, Which are Established Pursuant to State Law, and of Such Other Types of Institutions or Activities as May Now be or Hereafter Become Eligible Under Federal Law to Acquire Such Property; and Adding a Provision for Delegation of Authority to Representatives of Public Agencies and/or Institutions to Acquire Surplus Property; Repealing Section 82-3103, Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 82-3102 Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Authority and duties of the state agency for surplus property.

"82-3102. **Authority and Duties of the State Agency for Surplus Property.** (a) The state agency for surplus property is hereby authorized and empowered (1) *to* acquire from the United States of America *under and in conformance with the provisions of the federal property and administrative services act of 1949, as amended, hereinafter referred to as the "Act,"* such property, including equipment, materials, books, or other supplies under the control of any department or agency of the United States of America as may be usable and necessary for *purposes of education, public health or civil defense,* including research *for any such purpose, and for such other purposes as may now or hereafter be authorized by federal law;* (2) to warehouse such property; and (3) to distribute such property *within the state* to tax-supported medical institutions, hospitals, clinics, health centers, school systems, schools, colleges, and universities within the state, and to other non-profit medical institutions, hospitals, clinics, health centers, schools, colleges, and universities which have been held exempt from taxation under section *501 (c) (3)* of the United States internal revenue code *of 1954* within the state, *to civil defense organizations of the state, or political subdivisions and instrumentalities thereof, which are established pursuant to state law, and to such other types of institu-*

To acquire property from the U.S. for education, health and civil defense, to warehouse and distribute same.

To civil defense organizations.

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tions or activities as may now be or hereafter become eligible under federal law to acquire such property."

To receive applications from eligible institutions for such property.

(b) The state agency for surplus property is hereby authorized to receive applications from eligible institutions for the acquisition of federal surplus real property, investigate the same, obtain expression of views respecting such applications from the appropriate health or educational authorities of the state, make recommendations regarding the need of such applicant for the property, the merits of its proposed program of utilization, the suitability of the property for such purposes, and otherwise assist in the processing of such applications for acquisition of real and related personal property of the United States under section 203(k) of the act.

To adopt rules and regulations.

(c) For the purpose of executing its authority under this act, the state agency for surplus property is authorized and empowered to adopt, amend, or rescind such rules and regulations and prescribe such requirements as may be deemed necessary; and take such other action as is deemed necessary and suitable, in the administration of this act, to assure maximum utilization by and benefit to health, educational and civil defense institutions and organizations within the state from property distributed under this act.

To make certifications, make contracts, expenditures, undertakings, etc.

(d) The state agency for surplus property is authorized and empowered to make such certifications, take such action, make such expenditures and enter into such contracts, agreements and undertakings for and in the name of the state (including cooperative agreements with any federal agencies providing for utilization by and exchange between them of the property, facilities, personnel and services of each by the other), require such reports and make such investigation as may be required by law or regulation of the United States of America in connection with the disposal of real property and the receipt, warehousing, and distribution of personal property received by the state agency for surplus property from the United States of America.

To act as clearing house.

(e) The state agency for surplus property is authorized and empowered to act as clearing house of information for the public and private nonprofit institutions, organizations and agencies referred to in subparagraph (a) of this section and other institutions eligible to ac-

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quire federal surplus real property, to locate both real and personal property available for acquisition from the United States of America, to ascertain the terms and conditions under which such property may be obtained, to receive requests from the above-mentioned institutions, organizations and agencies and to transmit to them all available information in reference to such property, and to aid and assist such institutions, organizations and agencies in every way possible in the consummation of acquisitions or transactions hereunder.

To cooperate with U.S. agencies and departments.

File state plan of operation.

Reports.

(f) The state agency for surplus property, in the administration of this act, shall cooperate to the fullest extent consistent with the provisions of the act, with the departments or agencies of the United States of America and shall file a state plan of operation, operate in accordance therewith, and take such action as may be necessary to meet the minimum standards prescribed in accordance with the act, and make such reports in such form and containing such information as the United States of America or any of its departments or agencies may from time to time require, and it shall comply with the laws of the United States of America and the rules and regulations of any of the departments or agencies of the United States of America governing the allocation, transfer, use or accounting for, property donable or donated to the state.

Section added to Ch. 31, title 82, R.C.M., 1947.

Section 2. That the following section be added to chapter 31, title 82, Revised Codes of Montana, 1947:

State superintendent may delegate power and authority.

The state superintendent of public instruction may delegate to any employees of the state agency for surplus property such power and authority as he deems reasonable and proper for the effective administration of this act.

May bond any person in the state agency.

The state superintendent of public instruction may in his discretion bond any person in the employ of the state agency for surplus property handling moneys, signing checks, or receiving or distributing property from the United States under authority of this act.

Section added to ch. 31, title 82, R.C.M., 1947.

Section 3. That the following section be added to chapter 31, title 82, Revised Codes of Montana, 1947:

Any provision of law to the contrary notwithstanding, the governing board, or in case there be none, the execu-

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tive head, of any state department, instrumentality, or agency or of any city, county, school district or other political subdivision may by order or resolution confer upon any officer or employee thereof continuing authority from time to time to secure the transfer to it of surplus property under this act through the state department of public instruction, donable property division under the provisions of section 203 (j) of the federal property and administrative services act of 1949, as amended, and to obligate the state or political subdivision and its funds to the extent necessary to comply with the terms and conditions of such transfers. The authority conferred upon any such officer or employee by any such order or resolution shall remain in effect unless and until the order or resolution is duly revoked and written notice of such revocation shall have been received by state department of public instruction, donable property division.

Governing board or executive head of state department, or others, may confer continuing authority.

Term of such continuing authority.

Section 4. Section 82-3103, Revised Codes of Montana, 1947, and all acts or parts of acts in conflict herewith are hereby repealed.

Section 82-3103, R.C.M., 1947, and acts in conflict repealed.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 7, 1957.

CHAPTER 167

An Act to Amend Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, by Adding Thereto Two New Sections Numbered 109.1 and 109.2, Relating to Riding on Fenders and Running Boards of Vehicles; by Prohibiting Persons from Riding in Trailer Houses Being Towed Along Highways; by Prohibiting Persons from Opening Vehicle Doors on Side Available to Traffic When Such Acts Create a Hazard; by Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Chapter 263 of the session laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to

Amending clause, adding sections 109.1 and 109.2.

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read as follows by adding thereto two new sections numbered 109.1 and 109.2.

Riding in house trailers while moving.

Section 109.1. Riding in House Trailers. No person or persons shall occupy a house trailer while it is being moved upon a public highway.

Opening and closing motor vehicle doors.

Section 109.2. Opening and Closing Vehicles Doors. No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Repealing clause.

Section 2. That all acts or parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 168

An Act to Amend Sections 93-1402, 93-1404, 93-1502, 93-1503, 93-1504, 93-1505, 93-1506, 93-1510, and 93-1511, and to Repeal Sections 93-1405 and 93-1507 of the Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith; All with Regard to the Selection of Jurors to Serve in District Court; Containing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 93-1402 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Selection of persons qualified to serve as trial jurors.

"93-1402. (8897) **Selection of Persons Qualified to Serve as Trial Jurors.** At the meeting, specified in the last section, the officers present must select, from the last assessment roll of the county, and make a list of the names of all persons qualified to serve as trial jurors, as prescribed in the last chapter. *Each name so appearing on said list shall be assigned a number which shall be placed opposite the name on the jury list and shall be considered the number of the juror opposite whose name it appears. Said numbers shall be consecutive from '1' to the total number of jurors.*"

Names to be numbered.

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Amending clause.

Section 2. That section 93-1404 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Duty of clerk—jury boxes, contents.

"93-1404. (8899) **Duty of Clerk — Jury Boxes.** *The clerk shall prepare and keep a jury box and contents as follows: The number of each juror shall be written, typed or stamped on paper or other suitable material, and enclosed in separate black capsules, identical in all respects, and placed* in a box of ample size to permit said capsules to be thoroughly mixed, and which said box shall be kept for that purpose and shall be known as, and plainly marked, 'jury box No. 1.' Said capsules may be used as often as necessary; provided, however, no capsule shall be used which is in any manner whatsoever defaced or disfigured, or so marked that it may be recognized or distinguished from the other capsules in said jury box No. 1. *There shall be so enclosed in said box one number, and only one number, corresponding to the name of each juror on the jury list.*"

Use of black capsules.

Jury box No.1.

One number in box for each juror.

Amending clause.

Section 3. That section 93-1502 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

District judge to draw jury in presence of clerk.

"93-1502. (8903) **District Judge to Draw Jury.** Immediately upon the order mentioned in the preceding section having been made the district judge shall in the presence of the clerk of the court proceed to draw the jurors *by number* from jury box No. 1."

Amending clause.

Section 4. That section 93-1503 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Drawing, how conducted.

"93-1503. (8904) **Drawing — How Conducted.** 1. The clerk must place said box on a rod so that the same may readily revolve and said box must be revolved a sufficient number of times so as to insure that the capsules in said box shall become thoroughly mixed, and thereafter the judge must draw from said box one at a time, as many of said capsules containing the *numbers* of jurors as are ordered by the court.

Minute entry to show names of jurors corresponding to numbers drawn.

"2. A minute of the drawing shall be entered in the minutes of the court, which must show the *names of the jurors corresponding to the numbers* so drawn from said jury box.

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Deceased, insane or non-resident persons to be omitted from list.

"3. If the name of any person *so* drawn is deceased or insane, or who may have permanently removed from the county, and the fact shall be made to appear to the satisfaction of the court, the name of such person shall be omitted from the list, and another juror drawn in his place, and the fact shall be entered upon the minutes of the court. The same proceeding shall be had as often as may be necessary, until the number of jurors required shall have been drawn. After the drawing shall have been completed, the clerk shall make a copy of the list of names of the persons so drawn, and certify the same. In his certificate he shall state the date of the order and of the drawing, and the number of the jurors drawn, and the time when and the place where such jurors shall be required to appear. Such certificate and list shall be delivered to the sheriff for service."

Clerk to make copy of list of names drawn and certify same.

Sheriff to serve.

Amending clause.

Section 5. That section 93-1504 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Jury box No. 2. After term numbers of jurors who served put in box No. 2.

"93-1504. (8905) **Jury Box No. 2.** After the adjournment of the term or session at which trial jurors have been returned, as prescribed in the last section, the clerk must deposit the capsules containing the *numbers of the jurors* who attended and served, in another box kept by him, known as and marked 'jury box No. 2.' The capsules containing the ballots with the *numbers* of those who did not appear and serve must be returned to the box from which they were taken."

Capsules for persons who did not serve to be returned to box No. 1.

Amending clause.

Section 6. That section 93-1505 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Jurors—when to be drawn from jury box No. 2.

"93-1505. (8906) **Jurors — When to be Drawn From Jury Box No. 2.** If, at the time of drawing trial jurors for a term or session, there is not a sufficient number of capsules containing *the numbers* of jurors thereon remaining in box No. 1, the judge presiding, after drawing all the capsules containing therein *the numbers* of *the* jurors, must draw the necessary number from box No. 2, containing the *numbers* of those jurors who have before served, as prescribed in the last section; and must continue to draw from that box until new lists of jurors are provided."

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Amending clause.

Section 7. That section 93-1506 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Jury box No. 3—to contain capsules with duplicate numbers of persons selected and returned as trial jurors.

"93-1506. (8907) **Jury Box No. 3.** The clerk must keep, in addition to the two boxes specified in the last two sections, a third box, known as and marked 'jury box No. 3,' in which he must deposit capsules containing duplicate *numbers* of all persons selected and returned as trial jurors, who reside in the city or town where a trial term or session of a court of record is held, pursuant to law."

Amending clause.

Section 8. That section 93-1510 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Jurors drawn from jury box No. 3.

If insufficient number of trial jurors do not attend or cannot be obtained.

"93-1510. (8911) **Jurors Drawn From Jury Box No. 3, When.** If a sufficient number of trial jurors, duly drawn and notified, do not attend or cannot be obtained in the opinion of the court, without great delay or expense to form a jury, the court may, in its descretion, direct the clerk to draw from box No. 3, in the presence of the court, the *numbers corresponding to the names of as many jurors on the jury list* as the court deems sufficient for that purpose."

Amending clause.

Section 9. That section 93-1511 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Summoning jurors to complete a panel.

"93-1511. (8912) **Summoning Jurors to Complete a Panel.** The sheriff must forthwith notify each person *whose number has been drawn* and make a return as prescribed in section 93-1509."

Repealing clause and repealing sections 93-1405 and 93-1507, R.C.M., 1947.

Section 10. That sections 93-1405 and 93-1507, and all acts and parts of acts in conflict herewith are hereby repealed.

Effective Jan. 1, 1958.

Section 11. This act shall be in full force and effect from and after January 1, 1958.

Approved March 7, 1957.

CHAPTER 169

An Act to Amend Section 25.1 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assem-

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bly of the State of Montana, 1955, Relating to Authorized Emergency Vehicles, by Correcting the Section Reference Made in Paragraph (c) of This Section; and to Amend Section 36 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to Flashing Signals, by Correcting the Section Reference Made in Paragraph (b) of This Section; and to Amend Section 69 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to Vehicles Entering Through Highway or Stop Intersection, by Correcting the Section Reference Made in Paragraph (a) of This Section; and to Amend Section 72 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to Operation of Vehicle on Approach of Authorized Emergency Vehicles, by Correcting the Section Reference Made in Paragraph (a) of This Section; by Providing That All Acts and Parts of Acts in Conflict Herewith are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 25.1 of chapter 263 of the session laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

Privileges for authorized emergency vehicles in emergency.

"Section 25.1. **Authorized Emergency Vehicles.** (a) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

"(b) The driver of an authorized emergency vehicle may:

"1. Park or stand, irrespective of the provisions of this act;

"2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

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"3. Exceed the speed limits so long as he does not endanger life or property;

"4. Disregard regulations governing direction of movement or turning in specified directions.

Audible and visual signals required.

"(c) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of audible and visual signals meeting the requirements of section *129* of this act, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.

Due care required.

"(d) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others."

Amending clause.

Section 2. That section 36 of chapter 263 of the session laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

Flashing signal devices.

"Section 36. **Flashing Signals.** (a) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

Flashing red—stop.

"1. **Flashing Red (stop signal).** (a) When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

Exception railroad crossing, section 88.

"(b) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in section *88* of this act.

Flashing yellow—caution.

"2. **Flashing Yellow (caution signal).** When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution."

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Amending clause.

Section 3. That section 69 of chapter 263 of the session laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

Entering through highway or stop intersection, section 92.

"Section 69. **Vehicle Entering Through Highway or Stop Intersection.** (a) The driver of a vehicle shall stop as required by section *92* of this act at the entrance to a through highway and shall yield the right of way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said through highway as to constitute an immediate hazard but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right of way to the vehicle so proceeding into or across the through highway.

"(b) The driver of a vehicle shall likewise stop in obedience to a stop sign as required herein at an intersection where a stop sign is erected at one (1) or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed."

Amending clause.

Section 4. That section 72 of chapter 263 of the session laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

Operation of vehicle on approach of emergency vehicle, section 129.

"Section 72. **Operation of Vehicles on Approach of Authorized Emergency Vehicles.** (a) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of section *129* of this act, or of a police vehicle properly and lawfully making use of an audible signal only, the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer or highway patrolman.

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"(b) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway."

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 170

An Act to Amend Section 3-1901 of the Revised Codes of Montana, 1947, Relating to the Standard Classes of Mustard Seed and Grade Requirements of Same; Providing for Inclusion of Cockle Seed in Grading Requirements and Increasing Percentages in Grading Requirements of Mustard Seed; to Amend Section 3-1903 of the Revised Codes of Montana, 1947, Relating to Legal Test Weights Per Bushel of Mustard Seed; Providing for Decreases in Weight Per Bushel for Tame Brown and Tame Montana Oriental Mustard Seed; Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 3-1901 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Standard classes of mustard seed, grade requirements.

"3-1901. **Standard Classes of Mustard Seed — Grade Requirements.** The standard classes of mustard seed for the State of Montana shall be as follows:

Fancy—Cultivated tame yellow mustard seed.

Class 1—Cultivated tame yellow mustard seed.

Class 2—Cultivated tame brown mustard seed.

Class 3—Cultivated tame Montana oriental mustard seed.

Class 4—Mixed cultivated tame mustard seed, and Sample—Hereinafter defined.

"Classes 1, 2 and 3 shall contain not more than five per cent (5%) of other classes. Class 4 shall be any mixture of cultivated tame mustard seed having an

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admixture of other classes in excess of five per cent (5%), and shall be graded according to the predominating class in the mixture. Sample grade shall include mustard seed which does not come within the requirements of any of the following grades, No. 1 to No. 3 inclusive, or which has any objectionable foreign odor or is sour, heating, hot, or is otherwise of distinctly low quality or contains small inseparable stones or cinders. Grade requirements for cultivated tame mustard seed. Based after the removal of dockage.

Cockle seed included.

GRADE NO.	Sound Cultivated Mustard not less than	Damaged Kernels		Other Classes		Foreign Material Other Than Dockage		
		Total	Heat Damaged	Total	Wild Mustard	Total	Cockle Seed	Total Weed Seed Content
Fancy	99%	1%	0	0	0	0	0	.0
1	98½%	1½%	0.1%	0.5%	0.1%	1%	0.1%	0.3%
2	97%	3%	0.2%	2.0%	0.2%	1½%	0.2%	0.5%
3	95%	5%	0.5%	5.0%	0.5%	2%	0.3%	0.7%

Sample: Sample grade shall include mustard seed which does not come within the requirements of any of the grades, No. 1 to No. 3, inclusive, or which has any objectionable foreign odor or is sour, heating, hot, or is otherwise of distinctly low quality or contains small inseparable stones or cinders.

Amending clause.

Section 2. That section 3-1903 of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows:

Weights per bushel.

"3-1903. **Weights Per Bushel.** The following shall be legal test weights per bushel, namely: The weight per Winchester bushel as determined by the testing apparatus and the method of use thereof described in bulletin 1065 U. S. D. A. dated May 18, 1922, or as determined by any device and method which give equivalent results in the determination of test weight per bushel.

Tame yellow mustard seed.

"Weight per bushel for tame yellow mustard seed shall be:

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Fancy	56 lbs.
No. 1	54 lbs.
No. 2	52 lbs.
No. 3	50 lbs.

Tame brown and tame Montana oriental mustard seed

Weight per bushel for tame brown and tame Montana oriental mustard seed shall be:

No. 1	52 lbs.
No. 2	51 lbs.
No. 3	50 lbs.

"All seeds weighing less than the above per bushel shall be graded as sample weight, provided that the percentage of damage, heat damage, sound cultivated mustard seed, foreign material and determination of all other factors not otherwise provided for shall be on the basis of a portion cut from the original sample and separated by hand picking."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 7, 1957.

CHAPTER 171

An Act to Amend Sections 87-106, 87-109, 87-133, 87-138 and 87-148 of the Revised Codes of Montana, 1947, as Amended by Chapter 164, Laws of Montana, 1955, Section 87-149 of the Revised Codes of Montana, 1947, as Amended by Chapter 238, Laws of Montana, 1955, and Sections 87-107, 87-111, 87-112, 87-113, 87-128 and 87-130 of the Revised Codes of Montana, 1947, Which Sections are a Part of the Unemployment Compensation Law; by Changing the Qualifications for Benefits; Allowing Abatement of Certain Charges to Employer Accounts by Reason of Benefits Paid; Correcting Ambiguous Wording; Allowing Payment of Benefits not Under Dispute Pending Out-Come of an Appeal; Allowing Voluntary Contributions by Employers; Including Wording in Sections 87-111, 87-112, 87-113 and 87-133 to Allow the State of Montana to Receive and Spend Federal Funds Granted Pursuant to Section 903 of the Social Security Act, as Amended; Entering the Name of the

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Proper Federal Agency in Section 87-128; Providing That Proceeds from the Sale of Property Acquired by the Unemployment Compensation Commission be Deposited in the Unemployment Compensation Administration Fund; Revising Limitations and Procedure for Refund of Contributions Overpaid by Employers; Revising Definition of "State" for Interstate Cooperative Operations; Increasing the Minimum Trust Fund Balance Below Which All Employer Tax Rates will Automatically Become Two and Seven-tenths Percent (2 7/10%) and Increasing the Required Amount Necessary in the Trust Fund Employer Tax Rates Will Again be Based Upon Experience Rating; Revising Definition of "Total Unemployment," "Benefit Year" and "Week;" Providing a Saving Clause; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 87-106 of the Revised Codes of Montana, 1947, as amended by chapter 164, laws of Montana, 1955, be, and the same is hereby amended to read as follows:

Disqualification for benefits.

"87-106. **Disqualification for Benefits.** An individual shall be disqualified for benefits—

Voluntary termination, without good cause due to employment.

"(a) If he has left work, without good cause, for a period of not less than one (1) or more than *four (4)* weeks, as determined by the commission according to the circumstances in each case. No benefit payments or amounts thereafter paid such individual shall ever be charged under section 87-109 against the employer (whose employment the individual left) on account of that particular employment, unless and until the commission shall determine (upon hearing and after at least ten (10) days' written notice thereof to said employer) that the individual left work for good cause based solely upon objectionable conditions or terms of the employment and attributable entirely to the employer.

Discharge for misconduct.

"(b) If he has been discharged for misconduct connected with his work, for a period of not less than one (1) nor more than *four (4)* weeks as determined by the commission in each case according to the seriousness of

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the misconduct. No benefit payments or amounts thereafter paid such individual shall ever be charged under section 87-109 against the employer (from whose employment the individual was discharged for misconduct as above provided) on account of that particular employment, unless and until the commission shall determine (upon hearing and after at least ten (10) days' written notice thereof to the said employer) that the individual was not guilty of misconduct as above provided, or that his discharge was not for that reason.

Failure to apply for available work or accept suitable work.

"(c) If he failed, without good cause, either to apply for available *and suitable* work when so directed by the employment office or the commission or to accept *suitable* work offered to him which he is physically able and mentally qualified to perform, or to return to his customary self-employment (if any) when so directed by the commission. Such disqualification shall continue for the week in which such failure occurred and for not less than the one (1) nor more than the *four (4)* weeks which immediately follow such week as determined by the commission according to the circumstances in each case.

Determination of suitability.

"(1) In determining whether or not any work is suitable for an individual, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and previous earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

"(2) Notwithstanding any other provisions of this act, no work shall be deemed suitable and benefits shall not be denied under this act to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

"(a) If position offered is vacant due directly to a strike, lockout, or other labor dispute;

"(b) If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;

"(c) If as a condition of being employed the indi-

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vidual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

Unemployment due to labor dispute.

"(d) For any week with respect to which the commission finds that his total unemployment is due to a stoppage of work which exists because of a labor dispute at a factory, establishment, or other premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the commission that—

Proviso.

"(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

"(2) He does not belong to a grade or class of workers of which immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute;

Separate branches may be considered separate establishments.

"Provided, that if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises; provided, further, that if the commission, upon investigation, shall find that such labor dispute is caused by the failure or refusal of any employer to conform to the provisions of any law of the state *wherein the labor dispute occurs* or of the United States pertaining to collective bargaining, hours, wages or other conditions of work, such labor dispute shall not render the workers ineligible for benefits.

Receipt of payments in other forms.

"(e) For any week with respect to which he is receiving or has received payment in the form of—

"(1) Wages in lieu of notice or separation or termination allowance;

"(2) Compensation for total disability under the workmen's compensation law of this, or, any state or under a similar law of the United States;

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"(3) Benefits under the railroad unemployment insurance act or any state unemployment compensation act or similar laws of any state or of the United States. *This disqualification does not apply to any week with respect to which an individual is receiving or has received benefits under an unemployment compensation law of another state or of the United States, if such benefits are paid pursuant to section 87-129.*

Not applicable.

"(f) During the school term or customary vacation periods within the school term, if claimant has left his most recent work for the purpose of attending an established educational institution, or if claimant is a student regularly attending an established educational institution.

Leaving to attend school.

"(g) For any week wherein claimant leaves her most recent work to be married. Such disqualification shall continue until such time as said claimant shall have obtained bona fide employment after such marriage. No benefit payments or amounts thereafter paid such claimant shall ever be charged under section 87-109 against employer whose employment the claimant left to be married.

Leaving to be married. New employment required.

"(h) Where retired and entitled to receive retirement compensation paid in whole or in part from funds furnished by an employing unit, *such disqualification to be applied as follows:* all wages earned by such individual in the employment from which he has been retired shall not be considered or included in determining his wage credits or weekly benefit amount under sections 87-103 or 87-105, and no benefit payments or amounts thereafter paid such individual shall ever be charged under section 87-109 against any employing unit from whose employment the individual is retired, on account of that particular employment, unless and until the commission shall determine (upon hearing had after at least ten (10) days' written notice thereof to said employer) that the individual was not retired by the employer acting in good faith. This disqualification does not extend to the receipt of old age benefits under the federal social security act, as amended, or benefits under the federal old age and survivors' insurance act, or similar payments under any act of congress or state law.

Entitlement to retirement benefits paid by employer. Application.

Exception, federal old age or social security, or similar laws.

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Leaving due to pregnancy.

Limitations.

"*(i)* For any week wherein claimant leaves her most recent work during pregnancy, and due to such pregnancy. At any time after the seventh month of pregnancy a claimant, to establish eligibility, must present evidence of physical ability to work at such employment. Further, for any week wherein claimant leaves her most recent employment following childbirth, a claimant within the first two (2) months following such childbirth, to establish eligibility, must present evidence of her physical ability to work at such employment. In either of the cases set forth hereinbefore, such evidence of eligibility must be in the form of a certificate of a duly licensed physician that such claimant is physically able to work at her most recent employment."

Amending clause.

Section 2. That section 87-107 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Claims for benefits.

"87-107. **Claims for Benefits.**

Filing.

"(a) **Filing.** Claims for benefits shall be made in accordance with such regulations as the commission may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the commission to each employer without cost to him.

Initial determination, by deputy.

"(b) **Initial Determination.** A representative designated by the commission, and hereinafter referred to as a deputy, shall promptly examine the claim and, on the basis of the facts found by him, shall either determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof, or shall refer such claim or any question involved therein to an appeal tribunal which shall make its decisions with respect thereto in accordance with the procedure prescribed in subsection (c) of this section, except that in any case in which the payment or denial of benefits will be determined by the provisions of section 87-106 (d), the deputy shall promptly transmit his full finding of fact with respect to that subsection to the commission, which,

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on the basis of the evidence submitted and such additional evidence as it may require, shall affirm, modify, or set aside such findings of fact and transmit to the deputy a decision upon the issues involved under that subsection which shall be deemed the decision of the deputy. The deputy shall promptly notify the claimant and any other interested party of the decision and the reasons therefor. The deputy may for good cause reconsider his decision and shall promptly notify the claimant and such other interested parties of his amended decision and the reasons therefor. Unless the claimant or any such interested party, within five (5) calendar days after delivery of such notification or within seven (7) calendar days after such notification was mailed to his last known address, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith. If an appeal is duly filed, benefits with respect to the period *under dispute* prior to the final decision of the commission, shall be paid only after such decision. Provided, that if an appeal tribunal affirms a decision of a deputy, or the commission affirms a decision of an appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken, but if such decision is finally reversed, no employer's account shall be charged with benefits so paid.

Commission to affirm, modify or set aside.

Notice to claimant.

Reconsideration by deputy.

Appeal, time for filing.

Payment of benefits under dispute.

Payment upon appeal.

"(c) **Appeals.** Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the deputy. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the commission, unless within ten (10) days after the date of notification or mailing of such decision, further appeal is initiated pursuant to subsection (e) of this section.

Appeals.

Final decision, unless further appeal taken.

"(d) **Appeal Tribunals.** To hear and decide disputed claims, the commission shall appoint such impartial appeal tribunals as are necessary for the proper administration of this act, consisting in each case of either a salaried examiner selected in accordance with section 87-123, or a body consisting of three (3) members, one of whom shall be a salaried examiner, who shall serve as chairman, one of whom shall be a repre-

Appeal tribunal, composition.

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sentative of employers, and the other of whom shall be a representative of employees; each of the latter two (2) members shall serve at the pleasure of the commission and be paid a fee of not more than ten dollars ($10.00) per day of active service on such tribunal plus necessary expense. No person shall participate on behalf of the commission in any case in which he is an interested party. The commission may designate alternatives to serve in the absence or disqualification of any member of an appeal tribunal. The chairman shall act alone in the absence or disqualification of any other member and his alternates. In no case shall the hearings proceed unless the chairman of the appeal tribunal is present.

Term and compensation.

Commission review.

"(e) **Commission Review.** The commission may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The commission shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous and by the deputy whose decision has been overruled or modified by an appeal tribunal. The commission may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceedings so removed to the commission shall be heard by a quorum thereof in accordance with the requirements in subsection (c) of this section. The commission shall promptly notify the interested parties of its findings and decision."

Removal of proceedings.

Notice of findings and decision.

Amending clause.

Section 3. That section 87-109 of the Revised Codes of Montana, 1947, as amended by chapter 164, laws of Montana, 1955, be, and the same is hereby amended to read as follows:

Employer contributions, payment on and after Jan. 1, 1937.

"87-109. **Contributions.** (a) **Payment.** (1) On and after January 1, 1937, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this act, with respect to wages as defined in section 87-149 (c), paid for employment (as defined in this act) occurring during such calendar year. Such contributions shall become due

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and be paid by each employer to the commission for the fund in accordance with such regulations as the commission may prescribe and shall not be deducted, in whole or in part, from the wages of individuals in his employ.

Not to be deducted from wages.

"(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half (½) cent or more, in which case it shall be increased to one (1) cent.

Breakage at ½ cent.

"(b) **Rate of Contribution.** (1) Each employer shall pay contributions equal to the following percentages of wages, as defined in section 87-149 (c) paid by him with respect to employment:

Rate of contribution.

"(A) One and eight-tenths (1.8) per centum with respect to employment during the calendar year 1937;

"(B) Two and seven-tenths (2.7) per centum with respect to employment during the calendar years 1938, 1939, 1940, 1941, and for each calendar year thereafter, except as herein provided in subsection (c) of this section.

"(c) **Experience Rating.** The commission shall for the calendar year 1947, and for each calendar year thereafter, classify employers in accordance with their actual contribution and unemployment experience and shall determine for each employer the rate of contribution which shall apply to him throughout the calendar year in order to reflect said experience and classification.

Experience rating, 1947 and thereafter.

"The commission shall apply such form of classification or experience rating system which is best calculated to rate individually and most equitably the employment for each employer and to encourage the stabilization of employment.

"In making such classification, the commission shall take account, each to an equal extent, of the following factors relating to the unemployment hazard shown by each employer on the basis of (1) average annual net percentage declines in taxable payrolls for the last three (3) years *prior to computation date;* (2) number of years the employer has paid contributions; and (3) charge-backs to the individual employer account upon the last

Factors in employer classification.

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employer basis. The computation date is hereby fixed as of the close of business on June 30th of the preceding calendar year.

Rates for 1953 and thereafter.

"The rates for the calendar year 1953 and thereafter, except as hereinafter provided, shall be so fixed that they would, if applied to all employers and their total taxable annual payrolls for the preceding calendar year, have yielded total paid contributions equalling approximately one and two-tenths (1.2) per centum of the total of all such payrolls.

"The commission shall determine the contribution rate applicable to each employer for any calendar year subject to the following limitations:

"(1) Each employer's rate shall be two and seven-tenths (2.7) per centum unless and until there have been five (5) years *prior to the computation date* throughout which the employer has paid contributions at the rate of two and seven-tenths (2.7) per centum.

"(2) The classified contribution rates for the calendar year 1947, and thereafter, except as hereinafter provided, shall be: one (1.0) per centum, one and one-half (1.5) per centum, two (2.0) per centum, two and one-half (2.5) per centum, and two and seven-tenths (2.7) per centum. The classified contribution rate for the calendar year 1953, and thereafter, except as here inafter provided, shall be: five-tenths (.5) of one per centum, seven-tenths (.7) of one per centum, nine-tenths (.9) of one per centum, one and one-tenth (1.1) per centum, one and three-tenths (1.3) per centum, one and five-tenths (1.5) per centum, one and seven-tenths (1.7) per centum, one and nine-tenths (1.9) per centum, two and one-tenth (2.1) per centum, two and three-tenths (2.3) per centum, two and five-tenths (2.5) per centum, and two and seven-tenths (2.7) per centum.

"(3) No employer shall be assigned a classified contribution rate higher than the second classified rate above the rate which was assigned to him for the last preceding calendar year except as hereinafter provided.

"(4) No employer's rate shall be fixed below two and seven-tenths (2.7) per centum whose benefit payments charged as most recent employer have, in the last three (3) years *preceding the computation date,* ex-

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ceeded the amount of his contributions for those years, *provided that for the calendar year 1957 and thereafter, any employer may, for the purpose of avoiding the provisions of this subsection, have the option of making a voluntary contribution to the unemployment compensation fund to cancel the amount by which the benefit payments charged to him under section 87-109 (c) during the last three (3) completed fiscal years exceed his contributions for the same three (3) years. Such voluntary contribution shall be applied first to cancel the amount by which benefits exceed contributions in the earliest of the three (3) years preceding the computation date, any remaining to cancel the excess in the second earliest year preceding the computation date, and any further remaining to cancel the excess in the most recent year preceding the computation date. Whenever the benefit payments charged to an eligible employer in the last three (3) fiscal years exceed his contributions for the same period, the commission shall notify him of the amount of such excess and the rate which would be applicable to him for the ensuing calendar year, if he exercises the option. Such employer must exercise the option of making the voluntary contribution allowed by this section within thirty (30) days after receipt of such notice; otherwise his rate for the ensuing calendar year shall be fixed at two and seven-tenths (2.7) per centum.*

Proviso—option of voluntary contribution.

Application.

When benefits exceed contributions, notice to employer on option.

Time to exercise option.

"(5) Rates as fixed by the commission shall stand and be in effect unless and until the cash reserves in the unemployment compensation trust fund at any time in the future fall below *twenty-eight million dollars ($28,000,000.00)*, then the contribution rate of all employers subject to this act shall immediately return to a uniform rate of two and seven-tenths (2.7) per centum, and shall continue at the two and seven-tenths (2.7) per centum rate until cash reserves in the unemployment compensation trust fund exceed *thirty-two million dollars ($32,000,000.00)*.

"(6) The commission shall by regulation adopt such procedures as may be necessary for the substitution, merging or acquisition of an employer account by an employing unit, and the transfer of such employer account, rights, contributions, benefit experience and ratings to the successor employing unit or units.

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Notification of classification and rate of contribution.

"(7) The commission shall by regulation provide for the proper notification of employers of the classification and rate of contributions applicable to their accounts. Such notification shall be final for all purposes unless and until such employer files a written request with the commission for a redetermination or hearing thereon within thirty (30) days after receipt of such notice. The provisions of section 87-107 applicable to appeals under claims procedure shall apply with like purpose and effect, and be applicable to hearings and request for redeterminations of classifications and rates of contribution filed by employers hereunder.

"Annual taxable pay roll" defined.

"(8) 'Annual taxable pay roll' means the total of the four (4) quarters of taxable pay rolls of an employer preceding the computation date as fixed herein.

"(d) Wages in excess of three thousand dollars ($3,000.00). Commencing January 1, 1941, the provisions of this act requiring the payment of contributions by employers subject to this act shall apply only to wages paid up to and including three thousand dollars ($3,000.00) by an employer to an employee with respect to employment during any calendar year."

Amending clause.

Section 4. That section 87-111 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Unemployment compensation fund—establishment and control.

"87-111. **Unemployment Compensation Fund. Establishment and Control.** There is hereby established as a special fund, separate and apart from all public moneys or funds of this state, an unemployment compensation fund, which shall be administered by the commission exclusively for the purposes of this act. This fund shall consist of (1) all contributions collected under this act, *inclusive of voluntary contributions as provided in section 87-109 (c) (4);* (2) interest earned upon any moneys in the fund; (3) any property or securities acquired through the use of moneys belonging to the fund; (4) all earnings of such property or securities; *and (5) all money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended.* All moneys in the fund shall be mingled and undivided."

Consist of contributions, interest, property or securities, earnings, and unemployment trust fund.

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Amending clause.

Section 5. That section 87-112 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Accounts and deposits.

"87-112. **Accounts and Deposits.** The state treasurer shall be ex officio the treasurer and custodian of the fund who shall administer such fund in accordance with the directions of the commission and shall issue his warrants upon it in accordance with such regulations as the commission shall prescribe. He shall maintain within the fund three (3) separate accounts: (1) a clearing account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the commission, shall be forwarded to the treasurer who shall immediately deposit them in the clearing account. Refunds payable pursuant to sections 87-135 to 87-139 may be paid from the clearing account upon warrants issued by the treasurer under the direction of the commission. After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the secretary of the treasury of the United States of America to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the social security act, as amended, any provision of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned *for the payment of benefits* from this state's account in the unemployment trust fund. Except as herein otherwise provided, moneys in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the commission, in any bank or public depository in which general funds of the state may be deposited but no public deposit insurance charge or premium shall be paid out of the fund. The treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the commission and in a form prescribed by law or approved by the attorney general. Premiums for said bond shall be paid from the administration fund."

Three separate accounts.

Treasurer's separate bond.

Amending clause.

Section 6. That section 87-113 of the Revised Codes of Montana 1947, be, and the same is hereby amended to read as follows:

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Withdrawals.

"87-113. **Withdrawals.** *(a)* Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the commission, *except that money credited to this state's account pursuant to section 903 of the social security act, as amended, may also be withdrawn for the payment of expenses for the administration of this act and of public employment offices, as provided by this act.* The commission shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to this state account therein, as it deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and shall issue his warrants for the payment of benefits solely from such benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or in the discretion of the commission, shall be redeposited with the secretary of the treasury of the United States of America, to the credit of this state's account in the unemployment trust fund, as provided in section 87-112.

Exception, for administration and offices.

Benefits for reasonable future period.

Money credited to trust fund by secretary of treasury of U. S. may be used for expenses of administration upon specific appropriation—requirements.

"(b) Money credited to the account of this state in the unemployment trust fund by the secretary of the treasury of the United States of America pursuant to section 903 of the social security act, as amended, may be requisitioned and used for the payment of expenses incurred for the administration of this act pursuant to a specific appropriation by the legislature, provided that the expenses are incurred and the money is requisitioned after the enactment of an appropriation law which: (A) specifies the purposes for which such money is appropriated and the amounts appropriated therefor, (B) limits the period within which such money may be expended to a period ending not more than two (2) years after the

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date of the enactment of the appropriation law, and (C) limits the amount which may be used during any twelve (12) month period beginning on July 1 and ending on the next June 30 to an amount which does not exceed the amount by which (1) the aggregate of the amounts credited to the account of this state pursuant to section 903 of the social security act, as amended, during the same twelve (12) month period and the four (4) preceding twelve (12) month periods, exceeds (2) the aggregate of the amounts used pursuant to this subsection and charged against the amounts credited to the account of this state during any of such five (5) twelve (12) month periods. For the purposes of this subsection, amounts used during any such twelve (12) month period shall be charged against equivalent amounts which were first credited and which are not already so charged; except that no amount used for administration during any such twelve (12) month period may be charged against any amount credited during such a twelve (12) month period earlier then the fourth preceding such period. Money requisitioned for the payment of expenses of administration pursuant to this subsection shall be deposited in the unemployment compensation administration fund, but until expended, shall remain a part of the unemployment compensation fund. The commission shall maintain a separate record of the deposit, obligation, expenditure, and return of funds so deposited. If any money so deposited is, for any reason, not to be expended for the purpose for which it was appropriated, or, if it remains unexpended at the end of the period specified by the law appropriating such money, it shall be withdrawn and returned to the secretary of the treasury of the United States for credit to this state's account in the unemployment trust fund.

Separate records.

"*(c)* All warrants issued by the treasurer for payment *pursuant to this section* shall bear the signature of the treasurer and the counter signature of a member of the commission or its duly authorized agent for that purpose."

Warrants.

Section 7. That section 87-128 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"87-128. **State-Federal Cooperation.** In the administration of this act, the commission shall cooperate to

State-federal cooperation.

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the fullest extent consistent with the provisions of this act. with the *secretary of labor, pursuant to the provisions of the social security act, as amended;* shall make such reports, in such form and containing such information as the *secretary of labor* may from time to time require, and shall comply with such provisions as the *secretary of labor* may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regulations prescribed by the *secretary of labor* governing the expenditures of such sums as may be allotted and paid to this state under title III of the social security act, *as amended,* for the purpose of assisting in the administration of this act.

"Upon request therefor the commission shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this act."

Amending clause.

Section 8. That section 87-130 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Acquisition of property, sale and lease.

"87-130. **Acquisition of Property, Etc.** Subject to the approval of the state board of examiners, the commission may purchase such equipment, supplies, and real property as it may deem necessary and proper. The title to any real property purchased shall be taken in the name of the State of Montana. *Subject to the approval of the state board of examiners, the commission may sell any equipment, supplies or real property previously acquired by it, and the proceeds of such sale shall be deposited into the unemployment compensation administration fund.* In the event the duties or any part thereof, of the commission shall be at any time in the future surrendered to or taken over by the federal government or any agency thereof, the commission, with the approval of the state board of examiners, may lease such equipment and real property to the federal government, or such agency, but the title thereto shall remain in the State of Montana."

Amending clause.

Section 9. That section 87-133 of the Revised Codes of Montana, 1947, as amended by chapter 164, laws of

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Montana, 1955, be, and the same is hereby amended to read as follows:

"87-133. **Unemployment Compensation Administration Fund — Special Fund.** There is hereby created in the state treasury a special fund to be known as the unemployment compensation administration fund. All moneys which are deposited, appropriated or paid into this fund are hereby appropriated and made available to the commission. All moneys in the fund shall be expended solely for the purpose of defraying the costs of administration of this act and costs of administration of such other legislation as shall be specifically delegated to the commission for administration by the legislature. All moneys received and deposited in said fund for administration expense from the United States of America or any agency thereof, pursuant to section 302, title III of the social security act shall be expended solely for the purpose and in the amounts found necessary by the secretary of labor for the proper and efficient administration of this act. The fund shall consist of (1) all moneys received from the United States of America or any agency thereof, pursuant to section 302, title III of the social security act, as amended, and (2) all moneys appropriated by the state from the general fund for the purpose of administering this act, all interest and penalties collected on past due contributions as provided by section 87-135; all moneys, trust funds, supplies, facilities or services furnished, deposited, paid and received from the United States of America, or any agency thereof, from this state or any agency thereof, from any other state or any of its agencies, from political subdivisions of the state, or any other sources for administrative expense and purpose. *Notwithstanding any provision of this section, all money requisitioned and deposited in this fund pursuant to section 87-113 shall remain part of the unemployment compensation fund and shall be used only in accordance with the conditions specified in section 87-113.* All moneys in this fund shall be deposited, administered, and disbursed in the same manner and under the same conditions and requirements as is provided by law for other special funds in the state treasury. Any balance in this fund shall not lapse at any time, but shall be continuously available to the commission for the expenditure consistent with

Unemployment compensation administration fund.

Limitations on expenditures.

Composition of fund.

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Treasurer's separate and additional bond.

this act. The state treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation administration fund in an amount to be fixed by the commission and in a form prescribed by law or approved by the attorney general. The premiums for such bond and the premiums for the bond given by the treasurer for the unemployment compensation fund under section 87-112, shall be paid from the moneys in the unemployment compensation administration fund."

Amending clause.

Section 10. That section 87-138 of the Revised Codes of Montana, 1947, as amended by chapter 164, laws of Montana, 1955, be, and the same is hereby amended to read as follows:

Employer refunds.

"87-138. **Refunds.** If not later than three (3) years after the date on which any contributions or interest thereon became due, *or not later than one (1) year from the date on which payment was made, whichever is later,* an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made and the commission shall determine that such contributions or interest or any portion thereof was erroneously collected, the commission shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made, the commission shall refund said amount, without interest, from the fund. For like cause and within the same period, adjustment or refund may be so made on the commission's own initiative. *If the commission shall determine that an employer has paid contributions to this state under this act, when such contributions should have been paid to another state, under a similar act of such other state, transfer of such contributions to such other state shall be made upon discovery, or upon proof of payment that such other state has been fully paid, then refund to such employer shall be made at any time upon application without limitation of time.* In the event that this act is not certified by the secretary of labor under section 1603 of the internal revenue code, as amended, 1939, for any year, then and in that event, refunds shall

Payments made to Montana that should have been paid another state.

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be made of all contributions required under this act from employers for that year.''

Amending clause.

Section 11. That section 87-148 of the Revised Codes of Montana, 1947, as amended by chapter 164, laws of Montana, 1955, be, and the same is hereby amended to read as follows:

Terms defined.

''87-148. **Definitions.** As used in this act, unless the context clearly requires otherwise: (a) (1) 'Annual payroll,' means the total amount of wages paid by an employer (regardless of the time of payment) for employment during a calendar year.

"Average annual payroll."

''(2) 'Average annual payroll,' means the average of the annual payrolls of an employer for the last three (3) or five (5) preceding calendar years, whichever average is higher.

"Benefits."

''(b) 'Benefits,' means the money payments payable to an individual, as provided in this act, with respect to his unemployment.

"Base period."

''(c) 'Base period,' means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of an individual's benefit year.

"Benefit year."

''(d) 'Benefit year,' with respect to any individual means, the fifty-two (52) consecutive-week period beginning with the *first day of the calendar week in which such individual files a valid claim,* and thereafter the fifty-two (52) consecutive-week period beginning with the *first day of the calendar week in which such individual files his* next valid claim after the termination of his last preceding benefit year, *provided that if such filing shall result in an overlapping of benefit years the new benefit year shall begin upon the first Sunday following the expiration of his last preceding benefit year.*

"Calendar quarter."

''(e) 'Calendar quarter,' means the period of three (3) consecutive calendar months ending on March 31, June 30, September 30, or December 31.

"Commission."

''(f) 'Commission,' means the unemployment compensation commission established by this act.

"Contribution."

''(g) 'Contribution,' means the money payments to the state unemployment compensation fund required by this act.

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"Employing unit."

"(h) 'Employing unit,' means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1936, had in its employ one (1) or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two (2) or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this act. Each individual employed to perform or assist in performing the work of any agent or employee of *an* employing unit shall be deemed to be employed by such employing unit for the purposes of this act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work.

"Employer."

"(i) 'Employer' means:

"(1) Any employing unit which for some portion of a day in each of twenty (20) different weeks, whether or not such weeks are or were consecutive within either the current or the preceding calendar year, has or had in employment, one or more individuals (irrespective of whether the same individuals are or were employed in each such day); or whose total annual payroll within either the current or the preceding calendar year, exceeds the sum of five hundred dollars ($500.00);

"(2) Any individual or employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this act;

"(3) Any individual or employing unit which acquired the organization, trade, or business, or substantially all the assets thereof, of another employing unit (not an employer subject to this act), and which, if subsequent to such acquisition it were treated as a single unit with such other employing unit would be an employer under paragraph (1) of this section;

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"(4) Any employing unit which, having become an employer under paragraph (1), (2) or (3) has not, under section 87-110, ceased to be an employer subject to this act; or

"(5) For the effective period of its election pursuant to section 87-110 (c) any other employing unit which has elected to become fully subject to this act.

"(j) (1) 'Employment' subject to other provisions of this subsection means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied. "Employment."

"(2) The term 'employment' shall include an individual's entire service, performed within or both within and without this state if:

"(A) The service is localized in this state; or

"(B) The service is not localized in any state but some of the service is performed in this state and (I) the base of operations, or, if there is no base of operations, then the place from which such service is directed or controlled, is in this state; or (II) the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

"(3) Service not covered under paragraph (2) of this subsection, and performed entirely without this state with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this act if the individual performing such services is a resident of this state and the commission approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this act.

"(4) Service shall be deemed to be localized within a state if—

"(A) The service is performed entirely within such state; or

"(B) The service is performed both within and with-

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out such state, but the service performed without such state is incidental to the individual's service within the state, for example, is temporary or transitory in nature or consists of isolated transactions.

"(5) Services performed by an individual for wages shall be deemed to be employment subject to this act unless and until it is shown to the satisfaction of the commission that:

"(A) Such individual has been and will continue to be free from control or direction over the performance of such services, both under his contract and in fact; and

"(B) Such service is either outside the usual course of the business for which such service is performed, or that such service is performed outside of all the places of business of the enterprise for which such service is performed; and

"(C) Such individual is customarily engaged in an independently established trade, occupation, profession or business.

Excluded from "employment."

"(6) The term 'employment' shall not include:

"(A) Agricultural labor; the term 'agricultural labor' includes all servises performed—

"(1) On a farm, in the employ of any person in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife.

"(2) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm.

"(3) In connection with the production or harvesting of maple syrup or maple sugar or any commodity commonly known as agricultural commodities, or in connection with the raising or harvesting of mushrooms, or in connection with the hatching of poultry, or in con-

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nection with the operation or maintenance of ditches, canals, reservoirs, or waterways used exclusively for supplying and storing water for farming purposes.

Handling, planting, drying, packaging or delivering to carrier.

"(4) In handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; but only if such service is performed as an incident to ordinary farming operations or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market. The provisions of this paragraph shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption.

Meaning of farm as applied in this act.

"(5) As used in this section, the term 'farm' includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards.

"(B) Domestic service in a private home, local college club or local chapter of a college fraternity or sorority.

"(C) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

Service when employed by member of family.

"(D) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) in the employ of his father or mother;

Service when employed by corporation.

"(E) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary or educational purposes, or for the prevention of cruelty to children or animals, or wild life and anglers' clubs or associations, no part of the net earnings of which *inures* to the benefit of any private shareholder or individual;

"(F) Service performed in the employ of this state, or any political subdivision thereof, or of any instrumentality of this state or its political subdivisions;

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Service when employed by political subdivision.

"(G) Service performed in the employ of any other state or its political subdivisions, or of the United States government, or of an instrumentality of any other state or states or their political subdivisions or of the United States, except that national banks organized under the national banking law shall not be entitled to exemption under this section and shall be subject to this act the same as state banks.

"(H) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an act of Congress; provided, that the commission is hereby authorized and directed to enter into agreements with the proper agencies under such act of Congress, which agreements shall become effective ten (10) days after publication thereof in the manner in section 87-121 for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this act, acquired rights to unemployment compensation under such act of Congress, or who have, after acquiring potential rights to unemployment compensation under such act of Congress, acquired rights to benefits under this act;

"(I) Services performed in the delivery and distribution of newspapers or shopping news from house to house and business establishments by an individual under the age of eighteen years, but not including the delivery or distribution to any point or points for subsequent delivery or distribution.

"Employment office."

"(k) 'Employment office,' means a free public employment office, or branch thereof, operated by this state or maintained as a part of a state-controlled system of public employment offices, or such other free public employment offices operated and maintained by the United States government or its instrumentalities, as the commission may approve.

"Fund."

"(l) 'Fund,' means the unemployment compensation fund established by this act, to which all contributions required and from which all benefits provided under this act shall be paid.

"State."

"(m) 'State,' includes, in addition to the states of the United States of America, Alaska, Hawaii, the District of Columbia, *Puerto Rico, the Virgin Islands,* and the Dominion of Canada."

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Amending clause.

Section 12. That section 87-149 of the Revised Codes of Montana, 1947, as amended by chapter 238, laws of Montana, 1955, be, and the same is hereby amended to read as follows:

Terms defined. "Totally unemployed."

"87-149. **Definitions—Continued.** (a) Total unemployment: (1) An individual shall be deemed 'totally unemployed' in any week during which he performed no services and with respect to which no wages are payable to him.

"Week of unemployment."

"(2) An individual's week of unemployment shall be deemed to commence only after his registration at an employment office except as the commission may by regulation otherwise prescribe.

"Wages."

"(3) As used in this subsection the term 'wages' shall include only that part of remuneration for odd jobs or subsidiary work, or both, which is in excess of fifteen dollars ($15.00) in any one week, and the term 'services' shall not include that part of odd jobs or subsidiary work, or both, for which remuneration equal to or less than fifteen dollars ($15.00) per week is payable, or for one (1) day's work not exceeding eight (8) hours, *and any overtime worked immediately following such eight (8) hours,* whichever is greater.

"Unemployment compensation fund."

"(b) 'Unemployment compensation administration fund,' means the unemployment compensation administration fund established by this act, from which administrative expenses under this act shall be paid.

"Wages."

"(c) 'Wages,' means all remuneration payable for personal services, including commissions and bonuses and the cash value of all remuneration payable in any medium other than cash. The reasonable cash value of remuneration payable in any medium other than cash, shall be estimated and determined in accordance with the rules prescribed by the commission.

"Wage records kept by the commission for the purposes of this act prior to January 1, 1941, shall be kept on the basis of wages payable, and wage records kept by the commission for the purposes of this act after January 1, 1941, shall be kept on the basis of wages paid.

What not included in wages.

"Provided, however, that the term 'wages' shall not include—

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"(1) The amount of any payment made to, or on behalf of, an employee by an employer on account of:

"(A) Retirement, or

"(B) Sickness or accident disability, or

"(C) Medical and hospitalization expenses in connection with sickness or accident disability, or

"(D) Death.

"(E) Services performed for a fraternal benefit society, lodge, order, service club or association having a total annual payroll of less than five hundred dollars ($500.00) in any calendar year.

Public welfare funds added.

"(F) Remuneration paid by any county welfare office from public funds for services performed at the direction and request of such county welfare office.

"Week."

"(d) 'Week,' means a period of seven (7) consecutive calendar days *ending at midnight on Saturday.*

"Weekly benefit amount."

"(e) 'Weekly benefit amount.' An individual's 'weekly benefit amount,' means the amount of benefits he would be entitled to receive for one (1) week of total employment."

Severability clause.

Section 13. If any clause, sentence, section, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid or inoperative.

Repealing clause.

Section 14. All acts or parts of acts in conflict herewith are hereby repealed.

Section 15. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1957.

CHAPTER 172

An Act to Amend Section 84-308 of the Revised Codes of Montana of 1947, Relating to the Basis for Imposition of Taxes on Moneys and Credits, Moneyed Capital

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and Bank Shares; Providing a Repealing Clause and an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 84-308 (2000.6) of the Revised Codes of Montana of 1947, be, and the same is hereby amended to read as follows: Amending clause.

"84-308 (2000.6) **Basis for Imposition of Taxes on Moneys and Credits, Moneyed Capital and Bank Shares.** As a basis for the imposition of taxes upon the different classes of property herein specified, a percentage of the true and full value of each class shall be taken as follows: Basis for imposition of taxes on moneys and credits, moneyed capital and bank shares.

"Moneys and credits, seven per centum (7%) of true and full value.

"Moneyed capital and shares of banks, both national and state, thirty per centum (30%) of true and full value *on that portion of the true and full value not represented by surplus, as shown on the books of the bank; seven per centum (7%) on that portion of the true and full value represented by surplus as shown on the books of the bank; provided that on that portion of any of such surplus which is over and above the amount represented by the stated capital of a bank, the excess shall be subject to thirty per centum (30%) of true and full value. The state board of equalization shall prepare, distribute and cause to be used such forms as it may require to obtain from the banks doing business in this state reports of such facts and figures as may be necessary to ascertain the taxable value of bank shares as a basis for the imposition of taxes.*" Proviso. Forms.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 8, 1957.

CHAPTER 173

An Act Authorizing the Governor of the State of Montana and the Superintendent of Public Instruction to

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Request and Receive Federal Funds for Public School Building Construction and/or for any Other Public School Purposes; Authorizing the Use and Expenditure of Such Federal Funds by the Superintendent of Public Instruction of the State of Montana; and Providing for Deposits and Appropriations Without Lapse; Designating Said Funds as the "Federal Aid to Education Fund;" Providing for a Repealing Clause; and Providing for an Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Governor and superintendent of public instruction authorized to request and accept funds which may be available by act of Congress for public school construction.

Section 1. The governor of the State of Montana and the superintendent of public instruction of the State of Montana are hereby authorized on behalf of the State of Montana to request and accept such funds as are now or will be made available under any act of congress of the United States, or otherwise, for purposes of public school building construction and/or for any other purposes in the operation and maintenance of public schools as permitted under the laws of the State of Montana and as authorized by the grants from the federal government. Said monies shall be deposited by the governor and superintendent of public instruction in a special fund hereinafter created with the treasurer of the State of Montana.

Creation of Federal aid to education fund, appropriation.

Section 2. There is hereby created in the treasury of the State of Montana a special fund to be known as the "federal aid to education fund." All monies deposited into this fund are hereby appropriated and made available to the state superintendent of public instruction of the State of Montana. All monies in the fund shall be expended for the purpose of public school building construction and/or for any other purposes in the operation and maintenance of public schools as permitted under the laws of the State of Montana and as authorized by the grants from the federal government. Such expenditures shall be made under the supervision and discretion of said superintendent of public instruction. Any balance in this fund shall not lapse at any time, but shall be continuously available to the state superintendent of public instruction for the expenditure consistent with this act and acts of the federal government.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 4. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Aproved March 8, 1957.

CHAPTER 174

An Act Authorizing Counties, Cities and Towns to Enter into Group Hospitalization, Medical, Health, Accident and/or Group Life Insurance Contracts or Plans for the Benefit of Officers and Employees and Their Dependents; Limiting the County, City or Town Contribution to Five Dollars ($5.00) Per Month for Each Officer and Employee and Their Dependents; Repealing All Acts and Parts of Acts in Conflict Herewith, and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. All counties, cities, and towns are hereby authorized upon approval by a two-thirds (2/3) vote of the officers and employees to enter into group hospitalization, medical, health, accident and/or group life insurance contracts or plans for the benefit of their officers, employees, and their dependents, and the respective governing bodies are authorized to pay as part of the officers and employees salary one half of the total premium therefor; provided, however, that such payment shall not exceed five dollars ($5.00) per month for each officer and employee. Counties, cities and towns authorized to enter into group hospitalization, medical, health, accident and/or group life insurance contracts. Premiums, ½ payment—maximum.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 8, 1957.

CHAPTER 175

An Act Providing for the Amendment of Section 6-404 of the Revised Codes of Montana, 1947, Relating to the Amount and Terms of Public Works Contractor's

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Bond, Notice of Claimant, Form of Claim, Actions on Such Bonds, and Special Provisions in Such Bonds.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 6-404 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amount of bond.

"6-404. (5688.44) **Amount and Terms of Bond — Notice of Claimant — Form — Actions on Bonds — Special Provisions in Bonds.** The bond mentioned in section 6-401 shall be in an amount equal to the full contract price agreed to be paid for such work or improvement, and shall be to the State of Montana, except in cases of cities and towns, in which case such municipality may, by general ordinance, fix and determine the amount of such bond, and to whom such bond shall run; provided, that the same shall not be for a less amount than twenty-five per centum (25%) of the contract price of any such improvement, and may designate that the same shall be payable to such city or town and not to the State of Montana. All such persons mentioned in said section 6-401 shall have a right of action in his or her or their own name or names, on any bond furnished under the terms of this act for work done by such laborers or mechanics and for provendor, materials, supplies, provisions or goods supplied and furnished in the prosecution of such work or the making of such improvements; provided, that such persons shall not have any right of action on such bond for any sum whatever, unless within *ninety (90)* days from and after the completion of the contract with an acceptance of the work by the affirmative action of the board, council, commission, trustees, officer or body action for the state, county or municipality or other public body, city, town or district, the laborer, mechanic or subcontractor, or material man or person claiming to have supplied provender, materials, provisions or goods for the prosecution of such work, or the making of such improvement, shall present to and file with such board, council, commission, trustees or body acting for the state, county or municipality or other public body, city, town or district, a notice in writing in substance as follows:

Minimum amount.

Actions on bond.

Proviso— notice required within 90 days.

Form of notice.

" 'TO (here insert the name of the state, county, or municipality or other public body, city, town or district):

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NOTICE IS HEREBY GIVEN that the undersigned (here insert the name of the laborer, mechanic or subcontractor, or materialman, or person claiming to have furnished labor, materials or provisions for or upon such contract or work) has a claim in the sum of ....Dollars (here insert the amount) against the bond taken from ..... (here insert the name of the principal and surety or sureties upon such bond) for the work of ..... (here insert a brief mention or description of the work concerning which said bond was taken).

(Here to be signed) .....'

"Such notice shall be signed by the person or corporation making the claim or giving the notice, and said notice after being presented and filed, shall be a public record open to inspection by any person, and in any suit or action brought against such surety or sureties by any such person or corporation to recover for any of the items hereinbefore specified, the prevailing party shall be entitled to recover in addition to all other costs, attorneys' fees in such sum as the court shall adjudge reasonable; provided, however, that no attorneys' fees shall be allowed in any suit or action brought or instituted before the expiration of thirty (30) days following the date of filing of the notice hereinbefore mentioned; and provided further, that any city or town may impose any other or further conditions and obligations in such bond as may be deemed necessary for its proper protection in the fulfillment of the terms of the contract secured thereby, and not in conflict herewith; *and provided further, that nothing herein referred to with reference to the giving of such notice within ninety (90) days from and after completion of the contract and acceptance of the work shall be construed to prevent or delay the payment of monies due the contractor under the terms and conditions specified in his contract.*"

Attorneys' fees allowed, limitation.

Special provisions in bonds.

Notice not to delay payments due contractor.

Approved March 8, 1957.

CHAPTER 176

An Act to Amend Sections 92-116, 92-819, 92-902 and 92-1003 of the Revised Codes of Montana, 1947, and Section 92-1005 of the Revised Codes of Montana,

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1947, as Amended by Chapter 217 of the Laws of Montana of 1951, and Repealing Sections 92-1211, 92-1212 and 92-1213, All Relating to the Industrial Administration Fund; Providing for an Assessment Upon Employers, Insurers and the Industrial Accident Fund to Defray the Cost of Administration of the Workmen's Compensation Act; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 92-116 of the Revised Codes of Montana, 1947, be amended to read as follows:

"92-116. (2831) **Expenses to be Paid from What Fund.**

Composition of industrial adminstration fund.

"The industrial administration fund provided by section 92-837 shall consist of the following:

"(1) All fees provided in section 92-119, Revised Codes of Montana, 1947;

"(2) All assessments paid to the board by employers who elect to become bound by plan No. 1 of this act;

"(3) All assessments paid to the board by insurers who insure employers under plan No. 2 of the act;

"(4) All fees paid for inspection of boilers and issuance of licenses to operating engineers as required by law;

"(5) All assessments levied against the industrial insurance fund as provided by this act.

Two accounts.

General account.

"Said fund shall be divided into two (2) accounts, to be known, respectively, as the general account and the industrial insurance fund account. The general account shall be credited with all of the assessments and fees described in items (1), (2), (3) and (4) above. The assessments described in item (5) above shall be allocated between and credited to, the general account and the industrial insurance fund account, respectively, in the manner and proportions hereinafter provided. The general account shall be debited with expenses incurred by the board in the general administration of the provisions of this act, including the salaries of its members, officers and employees, and the actual and necessary traveling

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expenses and disbursements of such members, officers and employees, incurred while on the business of the board either within or without the state, other than any such salaries, disbursements and expenses, or portions thereof, incurred in the operation or administration of the industrial insurance fund. The industrial insurance fund account shall be debited with all expenses, disbursements and salaries which are incurred in the administration or operation of the industrial insurance fund, including a portion of the salaries of the members of the board and its officers and employees, commensurate to the time spent by them on the business of such fund, and also the cost of inspections and examinations of places of employment covered under plan No. 3. The funds in each of said accounts shall be used exclusively for the purposes herein described with respect to each such account, and any balance remaining in either of said accounts shall not be transferred to the other. Disbursements from the industrial administration fund shall be made after being approved by the board upon claim therefor to be audited and approved by the state board of examiners.

Industrial insurance fund account.

Use of each account for purposes described.

"At the beginning of each fiscal year the board shall levy against the industrial insurance fund an assessment in an amount not exceeding ten percent (10%) of the gross annual direct premium income of the said industrial insurance fund for the previous fiscal year, less return premiums, and said assessment shall be paid forthwith by the treasurer into the industrial administration fund. The amount of said assessment shall be allocated and credited as follows, to wit: Sixty-two percent (62%) thereof to the said industrial insurance fund account, and the balance thereof to the said general account."

Annual assessment against the industrial insurance fund.

Assessment allocated and credited.

Section 2. That section 92-819 of the Revised Codes of Montana, 1947, be amended to read as follows:

Amending clause.

"92-819. (2945) **Apportionment of Costs and Disbursement — Expenses.** The costs and disbursements incurred in any proceeding or hearing before the board, or a member thereof, may be apportioned between the parties on the same or adverse sides, in the discretion of the board."

Apportionment of costs and disbursements.

Section 3. That section 92-902 of the Revised Codes of Montana, 1947, be amended to read as follows:

Amending clause.

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Proof of solvency of employer electing plan No. 1 to be filed.

"92-902. (2971) **Proof of Solvency of Employer Electing Plan No. 1 to be Filed.** Every such employer now or hereafter engaged in the State of Montana, in the industries, trades, works, occupations, or employments herein mentioned, and who shall have elected to be bound by such compensation plan No. 1, shall file such proof of his solvency within the time and *in* such form as may be prescribed by the rules or orders of the board.

Levy of assessment.

"The board shall levy an assessment in the amount of not to exceed two hundredths of one percent of the annual payroll of such employer in Montana, for the preceding fiscal year, which assessment shall be paid to the board by said employer at the time of filing of proof of solvency.

Minimum assessment.

"No assessment shall be in an amount less than ten dollars ($10.00).

Estimated payroll may be used.

"If such employer had no payroll in Montana for the entire preceding fiscal year, the assessment shall be based on the estimated payroll for the year in which election is made.

Payment to industrial administration fund.

"The treasurer of the board shall pay the amounts so collected into the industrial administration fund."

Amending clause.

Section 4. That section 92-1003 of the Revised Codes of Montana, 1947, be amended to read as follows:

What to be contained in policies.

"92-1003. (2980) **Policies to Contain What.** All policies insuring the payment of compensation under this act, must contain a clause to the effect that as between the employee and the insurer the notice to, or knowledge of the occurrence of the injury on the part of the insured, shall be deemed notice or knowledge, as the case may be, on the part of the insurer; that jurisdiction of the insured for the purpose of this act shall be jurisdiction of the insurer; and that the insurer shall, in all things, be bound by and subject to the awards, orders, judgments, or decrees rendered against such insured."

Amending clause.

Section 5. That section 92-1005 of the Revised Codes of Montana, 1947, as amended by chapter 217 of the laws of Montana of 1951, be amended to read as follows:

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"92-1005. (2982) **Policies Made Subject to This Act.** Policies made subject to this act.

Every policy for the insurance of the compensation herein provided for, or against liability therefor, shall be deemed to be made subject to the provisions of this act. No insurer shall enter into any such policy of insurance unless its forms shall have been approved by the board, and as otherwise provided by law. Form of policy.

"On or before the first day of July of each year, the board shall assess and each insurer shall pay to the board not to exceed one and three-fourths percent of its gross annual direct premiums collected in Montana on policies of insurance insuring employers who elected to become bound by the compensation plan No. 2 during the previous calendar year, less return premiums. No such assessment shall be less than ten dollars ($10.00). The treasurer of the board shall pay the amounts so collected into the industrial administration fund. Payments by such insurers under this section shall be considered as items of loss for rate-making purposes." Annual assessment on gross annual direct premiums collected on employers bound by plan No. 2. Minimum assessment. Payments to be considered item of loss for rate-making purposes.

Section 6. That section 92-1211 of the Revised Codes of Montana, 1947, is hereby repealed. Section 92-1211, R.C.M., 1947, repealed.

Section 7. That section 92-1212 of the Revised Codes of Montana, 1947, is hereby repealed. Section 92-1212, R.C.M., 1947, repealed.

Section 8. That section 92-1213 of the Revised Codes of Montana, 1947, is hereby repealed. Section 92-1213, R.C.M., 1947, repealed.

Section 9. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 8, 1957.

CHAPTER 177

An Act to Amend Section 10-622, Revised Codes of Montana, 1947, as Amended by Chapter 36 of the Session Laws of the State of Montana, 1955, Relating to the Appointment, Removal and Salaries of Probation Officers for the Juvenile Departments of District Courts in the State of Montana; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

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Section 1. That section 10-622, Revised Codes of Montana, 1947, as amended by chapter 36 of the session laws of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

Probation officers, appointment, removal.

"10-622. **Probation Officers — Appointments — Removal — Salaries.** In every judicial district of the State of Montana the judge thereof having jurisdiction of juvenile matters *may* appoint one discreet person of good moral character, who shall be known as the chief probation officer of such district and who shall hold his office until removed by the court. Such officer shall receive for his services such sum as shall be specified by the court upon appointment, provided that the judge of the district court may employ him on a yearly salary not to exceed four thousand *eight* hundred dollars ($4,800.00), or on a per diem basis for the time actually and necessarily employed in performing the duties of the office. The salary of such officer shall be apportioned among and paid by each of said counties in which said officer shall be appointed to act, in proportion to the assessed valuation of such counties for the year then current, except that where such official is appointed for one county, his salary shall be paid by that county.

Maximum salary increased.

Apportionment between counties.

Deputy probation officers may be appointed.

"The judge having jurisdiction of juvenile matters may also appoint such additional persons to serve as deputy probation officers as the judge deems necessary; their salaries to be fixed by the judge at the time of appointment, provided that such salaries shall not exceed ninety per cent (90%) of the salary of the chief probation officer, or four thousand *three hundred twenty* dollars ($4,*320*.00) per year."

Salary maximum 90% of chief or $4,320.00 per year.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 8, 1957.

CHAPTER 178

An Act to Amend Sections 66-2002, 66-2003, 66-2007, 66-2018, 66-2023, 66-2024, Revised Codes of Montana, 1947, Relating to the Investment Laws (Blue Sky Laws) of Montana; Defining Securities and Providing That the Term Securities Include Oil, Gas or Other

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Mineral Lease, Right, Royalty, or Any Interest Therein, Preorganization Certificates or Subscriptions; Exempting Certain Securities from the Provisions Thereof; Relating to Permits to do Business and Supervisory Control by the Investment Commissioner over Licensed Investment Companies and Stockbrokers; Providing for Injunctive Relief and Providing that the Investment Commissioner Shall Have Power to Establish Rules and Regulations as May be Reasonable or Necessary to Carry Out the Purposes and Provisions of the Montana Investment Laws; Prohibiting False Entries or Statements or the Misuse of Proceeds from the Sale of Securities; Prescribing Other Prohibitions under the Investment Laws; Providing Penalties; Containing a Repealing Clause; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 66-2002, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Securities" defined.

"66-2002. (4027) **Securities Defined.** The term 'securities' as used in this act shall be taken to mean shares, bonds, debentures, evidence of indebtedness, certificates of interest or participation, certificates of interest in profit sharing agreement, collateral trust, certificates contracts, diversified trustee shares, fixed investment trusts, selected shares corporations, investment contracts, *oil, gas or other mineral lease, right, royalty, or any interest therein, preorganization certificates or subscriptions,* or contracts for the performance of personal services or the furnishing of materials in connection with the burial or cremation of dead human bodies which contracts are to be performed at a future time determinable only by the death of the person in connection with whose decease said services are to be performed or materials furnished, contracts or agreements or any other instrument commonly known as a security."

Amending clause.

Section 2. That section 66-2003, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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Securities to which act not applicable.

"66-2003. (4028) **Securities to Which Provisions of Act Not Applicable.** The provisions of this act shall not apply to the following securities:

Securities of U. S. or foreign government, state, territory, county, city, township, district.

1. Securities of the United States or of any foreign government, with which the United States maintains diplomatic relationship at the time of the sale thereof, or of any state or territory, or of any county, city, township, district or other public taxing subdivision of any state or territory of the United States.

Of public or quasi-public corporations.

2. Securities of public or quasi-public corporations, the issues of which are regulated by a state officer or board of this state, or by a state officer or board of similar authority, of any state or territory of the United States, or securities senior thereto.

Banks, trust companies, building and loan.

3. Securities of state or national banks or trust companies or building and loan associations authorized by the superintendent of banks to do business in this state.

Contracts of insurance.

4. Policy contracts of insurance companies licensed to do business in this state.

Non-profit domestic corporations.

5. Securities of any domestic corporation not organized for profit.

Co-operative associations.

6. Securities of any co-operative association organized in good faith under the laws of this state, exclusively for the purpose of conducting upon the co-operative plan, among its stock-holders, any or all of the following business: Any agricultural, dairy, livestock or produce business, the business of selling, marketing or otherwise handling any agricultural, dairy or livestock products, or other produce raised or produced by the stockholders of such association, or by any co-operative association, the manufacture of any products from any agricultural, dairy or livestock products, or other produce, produced by the members of such association, any business incidental to any of the above purposes; or the securities of any co-operative association organized in good faith under the laws of this state, for the purpose of conducting the business of operating a rural telephone system or systems or the business of operating a rural electrification system or systems for the transmission or distribution of electric energy on a co-operative basis, or the sale and distribu-

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tion of electrical and plumbing appliances under the provisions of the federal rural electrification act.

Listed or approved for listing on certain stock exchanges.

7. Securities listed, *or approved for listing upon notice of issuance or upon notice of issuance and evidence of satisfactory distribution, upon* the New York stock exchange, the Boston stock exchange, the board of trade of the city of Chicago, *American stock exchange, Midwest stock exchange, or upon any other stock exchange as to which there may be in effect a written designation by the investment commissioner stating that it is in the public interest that securities listed or approved for listing upon such other exchange be exempt under this subsection,* and all securities senior *or equal in rank* to any securities so listed *or approved* or represented by subscription rights *for any of the foregoing securities* or evidence of indebtedness guaranteed by companies, any *security* of which is so listed *or approved,* such securities to be exempt only so long as such listing shall remain in effect.

Public interest.

Notes secured by real estate mortgage.

8. Notes secured by mortgages for real estate located in the State of Montana.

Securities sold by owner.

9. Securities sold by the owner for the owner's account exclusively where the owner is not the issuer or an underwriter thereof, when not made in the course of continued and repeated transactions of a similar nature.''

Offer to purchasers for investment.

10. Any transaction pursuant to an offer directed by the offerer to not more than ten (10) persons during any period of twelve (12) consecutive months, if the seller reasonably believes that all the buyers are purchasing for investment.

Original subscriptions to stock—proviso.

11. Original subscriptions to stock by those who have signed articles of incorporation as bona fide incorporators, providing said articles of incorporation are not signed by more than fifteen (15) persons and no part of such original issue of capital stock is taken for the purpose of public distribution.

Amending clause.

Section 3. That section 66-2007, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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Permit to do business.

"66-2007. (4032) **Permit to do Business.** It shall be unlawful for any investment company or stock-broker, or any representative thereof, to sell, offer for sale, take subscriptions for, or negotiate for the sale in any manner whatsoever, of any stocks, bonds, or other securities of any kind or character, other than those exempted from the provisions hereof by the definitions herein provided, without a permit from the state investment commissioner as hereinafter provided." *No permit under this act shall be issued to any agent or stockbroker who has violated this act or any permit or ruling of the investment commissioner thereunder, or who has been convicted of a felony.*

Permit not to be issued, when.

Amending clause.

Section 4. That section 66-2018, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Supervision, control and fees of commissioner.

"66-2018. (4043) **Supervisory Control and Fees of Commissioner.** The investment commissioner shall have general supervision and control, as provided by this act, over any and all investment companies and stock-brokers, domestic or foreign, licensed under this act, *"and shall have the power to establish such rules and regulations as may be reasonable or necessary to carry out the purposes and provisions of this act, and whenever the investment commissioner shall believe from evidence satisfactory to him that any person, copartnership, association, or corporation has violated or is about to violate any provisions of this act or any finding, decision, permit, rule, regulation or license made in accordance with the provisions thereof, he may transmit such facts as may be available concerning such violative acts or practices to the attorney general whose duty it shall be to apply to the district court of Lewis and Clark county for an order enjoining such person, copartnership, association, or corporation from continuing in such violation, or engaging therein or doing any act or acts in furtherance thereof. In said action an order or judgment may be entered awarding such temporary or final injunction as may be proper.*

Power to establish rules and regulations.

Evidence of violations or probable violations.

Attorney general to enjoin.

Examination by commissioner.

"All such investment companies or stock-brokers shall be subject to examination by the investment commissioner, or his duly authorized agents or deputies, at any time the investment commissioner may deem it advisable, and in the same manner as is now provided for the examination of state banks. The rights, powers, and privileges

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of the investment commissioner in connection with such examination shall be the same as is now provided with reference to the examination of state banks. Such investment company or stock-broker shall pay a fee for each examination made by said investment commissioner, or his deputies or agents, of not to exceed ten dollars for each day or fraction thereof, plus the actual traveling and hotel expenses of said commissioner, or his agent or deputy, that he is absent from the capitol building for the purpose of making such examination, and the failure or refusal of any investment company or stock-broker to pay such fees upon the demand of the investment commissioner, or his deputy or agent, while making such examination, shall work a forfeiture of his or its right to do business in this state."

Fee for examination, failure of investment company to pay— forfeiture of right to do business.

Section 5. That section 66-2023, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"66-2023. (4048) **False Entries or Statements — Penalty.** Any person who shall knowingly or wilfully subscribe to, or make or cause to be made, any false statements or false entry in any book of such investment company or stock-broker, or exhibit any false paper with the intention of deceiving any person authorized to examine into its affairs, or who shall make or publish any false or misleading statements of its financial condition, or of the stocks, bonds, or other securities by it offered for sale," *or who, in any application to the commissioner, or in any proceeding before him, or in any examination, audit, or investigation made by him or his authority, knowingly makes any false statement or representation, or who, with knowledge of its falsity, files or causes to be filed in the office of the commisisoner any false statement or representation concerning such company or stockbroker or the property which it then holds or proposes to acquire, or concerning its financial condition or other affairs, or concerning its proposed plan of business, or who in connection with any transaction or transactions involving any offer to sell or to buy securities, or any sale or purchase of securities, including any securities exempted under section 66-2003, directly or indirectly, knowingly or wilfully, employs any device, scheme, or artifice to defraud, or makes any untrue statement of material fact, or omits to state any*

False statements or false entry in books.

Publication of false or misleading statements on financial condition.

Same with regard to application, proceedings, examination, audit or investigation.

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material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, or engages in any transaction, practice, or course of business which operates or would operate as a fraud or deceit, "shall be deemed guilty of a felony, and, upon conviction thereof, shall be fined not less than *five* hundred dollars nor more than ten thousand dollars, and shall be imprisoned for not less than one year nor more than ten years in the state penitentiary."

Fraud or deceit.

Felony.

Penalty.

Amending clause.

Section 6. That section 66-2024, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Violations of this act, penalties.

"66-2024. (4049) **Penalty for Violation of Act.** Any person or persons, agent or agents, investment company, or stock-broker, who shall violate any of the provisions of this act," *or who shall knowingly or wilfully, directly or indirectly offer for sale, or negotiate for the sale of or sell, or issue, or cause to be issued any security contrary to the provisions of this act, or in nonconformity with a permit of the commissioner authorizing the same, or which applies the proceeds from the sale thereof, or any part thereof, to any purpose other than the purpose or purposes, if any, specified in such permit, or to any purpose specified in such permit in excess of any amount limited in such permit to be used for such purpose, or who, with knowledge that any security has been issued, in violation of any provision of this act, or regulations thereunder, sells, or offers the same for sale, or who wilfully violates or fails, omits, or neglects to obey, observe, or comply with any order, permit, decision, rule, regulation, demand, or requirement, or any part or provision thereof, of the commissioner under the provisions of this act, or who with one or more other persons conspires to violate any permit or order issued by the commissioner or any of the provisions of this act,* "shall be deemed guilty of a felony, and, upon conviction thereof, shall be fined for each offense not less than *five* hundred dollars nor more than ten thousand dollars, or *shall be imprisoned* in the state penitentiary for not less than *one year* nor more than *ten* years, or by both such fine and imprisonment."

Felony.

Penalty.

Repealing clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

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Section 8. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 8, 1957.

CHAPTER 179

An Act to Amend Section 89-829 of the Revised Codes of Montana, 1947, Relating to the Method of Appropriating Waters in an Adjudicated Stream; Providing for the Use of an Aerial Photograph with a Drawing Thereon Showing the Location of the Proposed Ditch, Aqueduct or Dam; Providing that Water Released from Storage Shall not be Considered as Part of the Natural Flow of an Adjudicated Stream and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 89-829 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"89-829. (7119) **Procedure for Appropriating Waters of Adjudicated Streams.** (1) Any person hereafter desiring to appropriate the waters of a river, or stream, ravine, coulee, spring, lake, or other natural source of supply concerning which there has been an adjudication of rights between appropriators or claimants, as contemplated in section 89-839, shall: Procedure for appropriating waters of adjudicated streams.

"(a) employ a competent engineer to make a survey of the ditch, or aqueduct, whereby the water is to be conveyed from the source of supply, or the dam or other work whereby the water is to be impounded, or both;" Survey.
or

(b) cause to be prepared an aerial photograph with a drawing thereon showing the course of the proposed ditch or aqueduct, or the location of the proposed dam or other work, or both, together with a description of the course of said ditch or the location of said dam attached thereto; "and the appropriators shall file with the clerk of the court in the county in which the water is appropriated a petition giving the amount of water sought to Aerial photograph with description of location of dam. Petition to be filed.

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be appropriated, a description by name or otherwise of the water course or body from which he intends to appropriate the water, and a general description of the ditch or aqueduct, stating its size, length, and capacity, showing the proposed means of appropriation and use of the water, and also the place of use thereof. If the means of appropriation be a reservoir by which the water is to be impounded, the petition shall state the location and size thereof, together with the contemplated manner of its construction and the means of conveying the water to the place of contemplated use, and the contemplated use.

Aerial photograph to be filed with petition.

"(2) There shall be filed with the petition a map *or aerial photograph as hereinbefore provided* showing the point of, and means of diversion, and the course of the ditch or aqueduct to its terminus, and if a reservoir, the contour line thereof, the height and width of the dam, the point and means of discharge therefrom, and the spillway. If the appropriator shall intend to mingle the waters appropriated from one stream with another, or shall intend to deposit the waters impounded in a reservoir into a stream, he shall so state.

Declaration in petition.

"(3) The appropriator shall declare in his petition that the water rights sought by him shall be subject to, and that in the use thereof he shall be bound by the terms of any decree theretofore rendered by a court of competent jurisdiction adjudicating the waters of such river, stream, ravine, coulee, spring, lake, or other natural source of supply, or, any body of water to which the same may be tributary," *provided that water stored in a reservoir pursuant to an appropriation hereunder which is subsequent to an adjudication of waters in a flowing stream when so released from storage shall not be considered as a part of the natural flow of said adjudicated stream.*

Proviso—reservoir released not to be considered part of natural flow of adjudicated stream.

Appropriator to give names of others with rights.

"(4) The appropriator shall, as near as may be, give the names of all appropriators or claimants who have, or appear to have, rights in the source of supply, from which the appropriation is sought, and whose rights may be in anywise affected by the appropriation, and in the petition the petitioner shall be named as plaintiff, and all other parties as defendants."

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Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 8, 1957.

CHAPTER 180

An Act to Amend Section 4-417, Revised Codes of Montana, 1947, Relating to Excise Tax on Liquor; Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 4-417, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"4-417. **Excise Liquor Tax — Collection.** The Montana liquor control board is hereby authorized and directed to charge, receive and collect at the time of the sale and delivery of any liquor as authorized under any provision of the laws of the State of Montana an excise tax at the rate of *sixteen* per centum *(16%)* of the retail selling price on all liquor so sold and delivered. The Montana liquor control board shall retain the amount of such excise tax received in a separate account and shall deposit with the state treasurer, to the credit of the general fund, such sums so collected and received not later than the tenth (10th) day of each and every month." Montana liquor board authorized to charge and collect excise tax at sale and delivery of liquor—rate of 16% of retail selling price. Separate account in general fund.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 8, 1957.

CHAPTER 181

An Act to Amend Section 38-209, of the Revised Codes of Montana, 1947, Relating to the Delivery of Insane Persons to the Montana State Hospital, and Providing That Such Persons May be Delivered to said Hospital by a Responsible Relative or Friend, as Directed by the Committing Judge; and Repealing All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 38-209 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Insane person and papers to be delivered to sheriff or responsible relative or friend, and by such sheriff or person to officer in charge of state hospital.

"38-209. (1439) **Delivery of Insane Person at State Hospital.** The insane person, together with the order of the judge, and the certificate of the physicians must be delivered to the sheriff of the county *in which said order is made, or to a responsible relative or friend, as determined by the judge who signs said order,* and by him must be delivered to the officer in charge of the Montana state hospital. The superintendent or person in charge of the state hospital for the insane may refuse to receive any person upon any order, if the papers presented do not comply with the provisions of this chapter."

Refusal for non-compliance.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 8, 1957.

CHAPTER 182

An Act to Amend Section 80-108, Revised Codes of Montana, 1947, Relating to the Admission of Nonresident Children and Resident Indian Children to the School for the Deaf and Blind; Authorizing the Collection of Reimbursement from the United States Government for Ward Indians; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 80-108 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Admission of nonresident deaf and blind children.

"80-108. **Admission of Nonresident Children and Advance Payment of Cost — Indian Children.** Deaf and blind children, who are not residents of the State of Montana, upon application being made therefor, may be admitted to the school, subject to all eligibility requirements prescribed for children who are residents of the state; provided that for each such nonresident child

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there shall be paid to the school in advance a sum of money the amount of which shall be determined by a careful estimate of the whole per capita cost of maintaining the school during the year immediately preceding the date of the application; and provided further that no nonresident child shall be admitted to the school except when the full capacity thereof is not required for children who are residents of the state. Indian children who are wards of the United States *and Montana residents* shall be eligible to, and shall be admitted to such school on the same terms as residents.'' *The school for the deaf and blind is hereby authorized to collect reimbursement from the United States government for expenses incurred in providing services for Indian children who are wards of the United States government.*

Proviso—payment of cost in advance.

Proviso—capacity not required for resident children.

Resident Indian children.

Reimbursement from U. S. for expenses.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 8, 1957.

CHAPTER 183

An Act to Amend Section 41-1201, Paragraphs (a) and (b), of Chapter 12, Revised Codes of Montana, 1947, as Amended, Relating to the Method of Appointing Employer and Employee Representatives to the Apprenticeship Council, and the Method of the Apprenticeship Council Reporting to the Legislature, and by Adding a Subparagraph to be Known as 41-1201 (d) to Provide Per Diem Plus Expenses and Mileage Payments to the Voting Members of Said Council or Their Authorized Representatives While Attending Official Meetings; and to Amend Section 41-1202 of Chapter 12, Revised Codes of Montana, 1947, as Amended, Relating to Appointing Personnel to Aid the State Apprenticeship Council in the Execution of Their Functions Under This Act; Making This Act Effective on July 1, 1957; and Repealing All Acts or Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 41-1201, paragraphs (a) and (b) of chapter 12, Revised Codes of Montana, 1947, as

Amending clause

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amended, be, and the same is hereby amended to read as follows:

Apprenticeship council, appointment, composition.

"41-1201. **Apprenticeship Council.** (a) The commissioner of labor and industry shall appoint an apprenticeship council, composed of three (3) representatives each from employer and employee organizations respectively. The terms of office of the members of the apprenticeship council first appointed by the commissioner of labor and industry shall be as follows: One (1) representative each of employers and employees shall be appointed for one (1) year, two (2) years, and three (3) years respectively. *On and after July 1, 1957,* each member shall be appointed *by the governor of the State of Montana* for a term of three (3) years. Each member shall hold office until his successor is appointed and has qualified, and any vacancy shall be filled by appointment *by the governor of the State of Montana* for the unexpired portion of the term. The state official who has been designated by the state board for vocational education as being in charge of trade and industrial education and the state official who has immediate charge of the state public employment service shall be ex-officio members of said council without vote.

Terms.

Vacancies.

Ex-officio members.

Powers and duties.

Standards

Rules and regulations.

Other duties.

Report.

"(b) Subject to the approval of the federal committee on apprenticeship, the apprenticeship council shall: (1) establish standards for apprenticeship agreements in conformity with the provisions of this act; (2) issue such rules and regulations as may be necessary to carry out the intent and purposes of this act; and (3) perform such other duties as are hereinafter imposed. Not less than once *every two years* the apprenticeship council shall make a report through the *governor of the State of Montana* of its activities and findings to the legislature which shall be made available to the public.

Acceptance and use of federal or state funds.

"(c) The council may accept from the federal government or any agency thereof or from any state agency, any funds made available to carry out purposes within the scope of the activities and purposes of the apprenticeship council and to use such funds as said council may direct, for the purposes for which said funds are made available."

Compensation, per diem and expenses.

(d) A per diem of fifteen dollars ($15.00) plus actual and necessary expenses for meals and lodging, such ex-

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penses not to exceed that paid other state officials or employees, shall be paid each voting member of the state apprenticeship council, or their authorized representatives, while in official travel status and while attending official meetings for each whole or part of any calendar day. Such voting members, or their representatives, shall be reimbursed a mileage rate and the same is paid other state officials or state employees, for use of personally-owned vehicles to attend official meetings from any point in the State of Montana to the place of meeting in Montana and return. A maximum of three hundred dollars ($300.00) shall be the limitation for the combined per diem, expenses and mileage payments as provided for herein, for each voting member of said council, or their representatives, during the twelve (12) consecutive month period of any fiscal year from July first of one year to June thirtieth of the next following year.

Mileage.

Maximum; compensation.

Section 2. That section 41-1202 of chapter 12, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"41-1202. **Duties of State Apprenticeship Council.** The state apprenticeship council by a majority vote, shall:

Duties of state apprenticeship council.

"(1) encourage and promote the making of apprenticeship agreements conforming to the standards established by or in accordance with this act;

"(2) register such apprenticeship agreements as are in the best interests of the apprenticeship and conform to the standards established by or in accordance with this act;

"(3) keep a record of apprenticeship agreements and upon performance thereof issue certificates of completion of apprenticeship;

"(4) terminate or cancel any apprenticeship agreements in accordance with the provisions of such agreements; and who

"(5) may act to bring about the settlement of differences arising out of the apprenticeship agreement where such differences cannot be adjusted locally or in accordance with the established trade procedure.

"Related and supplemental instruction for apprentices, coordination of instruction with job experiences,

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and the selection and training of teachers and coordinators for such instruction shall be the responsibility of state and local boards responsible for vocational education. The *voting members of the apprenticeship council are* authorized to appoint such other personnel as may be necessary to aid the apprenticeship council in the execution of their functions under this act."

May appoint other personnel for assistance.

Effective July 1, 1957.

Section 3. This act shall be in full force and effect on July 1, 1957.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 8, 1957.

CHAPTER 184

An Act to Amend Section 25-508, Revised Codes of Montana, 1947, as Amended by Chapter 58, of the Laws of the Thirty-first Legislative Assembly of the State of Montana, 1949, Relating to Traveling Expenses of Public Officers Attending Conventions and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 25-508, Revised Codes of Montana, 1947, as amended by chapter 58 of the laws of the thirty-first legislative assembly of the State of Montana, 1949, be, and the same is hereby amended to read as follows:

Traveling expenses of officers attending conventions.

"25-508. (443) **Traveling Expenses of Officers Attending Conventions.** (1) Hereafter no state, county, city or school district officer or employee of the state or of any county or city, or of any school district, shall receive payment from any public funds for traveling expenses or other expenses of any sort or kind for attendance upon any convention, meeting, or other gathering of public officers save and except for attendance upon such convention, meeting or other gatherings as said officer may by virtue of his office be required by law to attend, provided that nothing herein shall prohibit the state board of examiners from authorizing the payment of the necessary traveling expenses of any

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state officer or employee, whenever in the judgment of the board an emergency exists, and the public interest demands, which reasons are to be spread on the minutes of the board of examiners, and provided further, that the board of trustees of any county or district high school or of any school district may by resolution adopted by a majority of the entire board make their district a member of any state association of school districts or school district trustees, or any other strictly educational association and authorize the payment of dues to such association, and the necessary traveling expenses of an employee, or one (1) member of said board, to attend meetings of such association, or other meetings called for the express purpose of considering educational matters.

Trustees of school districts.

"(2) Provided, further, *three (3)* members of the board of county commissioners may be allowed actual transportation expenses and per diem for attendance upon any general meeting of county commissioners or assessors held within the state not oftener than once a year and the proportionate expenses and charges against each county as a member of such association shall also be paid; provided also that county attorneys and sheriffs are hereby authorized to attend their respective meeting or convention held within the state and are allowed actual traveling expenses not oftener than once a year for attending same.

Members of board of county commissioners.

County attorneys and sheriffs.

"(3) Provided, further, that nothing herein shall be construed to prevent any city or town council, commission or other governing body from paying membership fees and dues in any organization of city and town officials whose purpose is improvement of laws relating to city and town government and their better and more economical administration, and the necessary expense of any regular officer or employee of such city or town in attending any convention or meeting of such organization upon the direction of such council, commission, or other governing body by order upon its minutes stating that the public interest requires such attendance; such payment of membership fees, dues and/or expense to be made from such fund of the city or town as the council, commission or other governing body shall direct by such order, upon claim presented, audited and allowed as are other claims against such city or town."

Officers and employees of cities and towns.

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Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 8, 1957.

CHAPTER 185

An Act Relating to the Creation of Metropolitan Sanitary and Storm Sewer Districts to Serve Inhabitants of Both Cities and Incorporated Towns and Rural Areas Within Counties; to Empower the County Commissioners to Create Metropolitan Sanitary Districts With the Consent of City or Town Councils for the Purpose of Constructing Sanitary or Storm Sewer Systems; Providing for the Levy and Collection of Special Assessments to Pay for the Same; and to Adequately Maintain Same and Extend Payment of Installments Over Any Period Not Exceeding Twenty Years; to Provide for the Issuance of Special Improvement Warrants or Bonds In Such Metropolitan Sanitary or Storm Sewer Districts; Providing for the Powers and Duties of the County Commissioners In Respect Thereto; and Repealing Chapter 292, Laws of 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Metropolitan sanitary and/or storm sewer district may be created.

Section 1. Whenever the public convenience and necessity may require in order to construct sanitary and/or storm sewer systems within any county, and which said sanitary and/or storm sewer systems would serve the inhabitants of any county as well as the inhabitants of any city or town within said county, the board of county commissioners with the approval of the city or town council may create metropolitan sanitary and/or storm sewer districts.

Resolution required—contents.

Before creating any metropolitan sanitary and/or storm sewer district the board of county commissioners shall pass a resolution of intention so to do, which said resolution shall designate:

(a) the proposed name of such district,

(b) the necessity for the proposed district,

(c) a general description of the territory or lands to be included within said district, giving the boundaries thereof,

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(d) the general character of the sanitary and/or storm sewer system and its proposed location,

(e) the name of the engineer who is to have charge of the work, and

(f) the estimated cost thereof.

Concurrence of city or town council.

Section 2. Upon passage of such resolution of intention, the board of county commissioners shall transmit a copy of the same to the executive head of any city or town within the proposed district for consideration by such city or town council, and if the city or town council shall by resolution concur in the resolution of the board of county commissioners a copy of the resolution of concurrence shall be transmitted to the board of county commissioners.

Non-concurrence.

If the city or town council does not concur in the resolution of the board of county commissioners, the board shall have no authority to proceed further with the creation of the district. However, if the city or town council concurs in the resolution of the board of county commissioners, the board must give notice of the passage of its resolutions of intention, and of the concurrence therein by the city or town council, which notice must be published for ten consecutive days in a daily newspaper or in two issues of a weekly newspaper published nearest to the place where such improvement district is to be created, and shall also cause to be posted within the boundaries of such special improvement district, a copy of such notice in three public places, and a copy of such notice shall be mailed to every person, firm or corporation, or the agent of such person, firm or corporation owning property within the proposed district, at his last known place of residence upon the same day such notice is first published or posted.

Notice—publication and posting, mailing.

Contents of notice.

Such notice must describe the general character of the improvement, or improvements, so proposed to be made, state the estimated cost thereof, and designate the time when, and the place where, the board of county commissioners will hear and pass upon all protests that may be made against the making or maintenance of such improvements, or the creation of such district, and the said notice shall refer to the resolution on file in the office of the county clerk for the description of the boundaries.

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Written protest to county clerk.

Section 3. At any time within thirty days after the date of the first publication of the passage of the resolution or intention, any owner of property liable to be assessed for said work may make written protest against the proposed work. Such protest must be in writing and be delivered to the county clerk, who shall endorse thereon the date of the receipt by him. At the next regular meeting of the board of county commissioners, after the expiration of the time within which said protest may be so made, the board of county commissioners shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive; provided, however, if the protest against the proposed work is made by the owners of more than fifty per cent of the area in the proposed district, no further proceedings shall be taken by the board of county commissioners.

Decision on protest.

Proviso—Protest by owners of more than 50% of area—no further proceedings.

In determining whether or not sufficient protests have been filed in the proposed district to prevent further proceedings therein, property owned by the city, county, and school districts shall be considered the same as any other property in the district. The board of county commissioners may adjourn said hearing from time to time.

No protest or insufficient protest, board to pass resolution creating district.

Section 4. When no protests have been delivered to the county clerk within thirty days after the date of the first publication of the notice of the passing of the resolution of intention, or when a protest shall have been found by said board of county commissioners to be insufficient, or shall have been overruled, immediately thereupon the board of county commissioners shall be deemed to have acquired jurisdiction to order improvements, but before ordering any of the said proposed improvements, the board of county commissioners shall pass a resolution creating the said metropolitan sanitary and/or storm sewer district in accordance with the resolution of intention theretofore introduced and passed by the board of county commissioners.

Reference to resolution of intention.

Section 5. In all resolutions, notices, orders, and determinations subsequent to the resolution of intention and notice of improvements it shall be sufficient to briefly describe the work or the metropolitan sanitary and/or storm sewer district, or both, and to refer to the resolution of intention for further particulars.

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Resolution of intention to omit federal property from assessment.

Section 6. **Federal Property Omitted from Assessment.** Whenever any lot, piece or parcel of land belonging to the United States or mandatory of the government shall front upon the proposed work or improvement, or is to be included within the district declared by the board of county commissioners in its resolution of intention to be a district to be assessed to pay the cost and expenses thereof, the said board of county commissioners shall in the resolution of intention declare that the said lots, pieces or parcels of land or any of them shall be omitted from the assessment thereto to be made to cover the cost and expenses of said work or improvement, and the cost of said work or improvement in front of said lots, pieces or parcels of land shall be paid by the county from its general fund.

Method of assessment to defray cost of installing and maintaining.

Section 7. To defray the cost of installing and maintaining either sanitary or storm sewer systems under the provisions of this act, the board of county commissioners shall adopt the following method of assessment: The board of county commissioners shall assess the entire cost of the improvements against the entire metropolitan sanitary district, and each lot or parcel of land assessed in such district is to be assessed with that part of the whole cost which its area bears to the area of the entire district, exclusive of streets, avenues, alleys and public places.

Levy and assessment of tax to defray cost of improvements in any special improvement district—resolution.

Section 8. To defray the cost of making improvements in any special improvement district, the board of county commissioners shall, by resolution, levy and assess a tax upon all property in the district created for such purpose, by using for a basis for such assessment the method provided for by this act. Such resolution shall contain a description of each lot or parcel of land, with the name of the owner, if known, and the amount of each partial payment, when made, and the day when the same shall become delinquent. The payment of the assessment to defray the cost of constructing any improvements in said metropolitan sanitary and/or storm sewer districts may be spread over a term of not to exceed twenty (20) years, payment to be made in equal installments.

Term for payment.

Resolution filed with county clerk.

Section 9. Such resolution, signed by the chairman of the board of county commisioners, shall be kept on file in the office of the county clerk, and a notice signed by the county clerk, stating that the resolution levying a special assessment to defray the cost of making such improvements

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Publication of notice of resolution.
Contents of notice, hearing.

is on file in the office of the county clerk, subject to inspection, shall be published in at least one publication in a newspaper published nearest to where the special improvement is to be made. Such notice shall state the time and place in which objections to the final adoption of such resolution will be heard by the board of county commissioners, and the time for such hearing shall be not less than five days after the publication of such notice. At the time so fixed, the board of county commissioners shall meet and hear all such objections, and for that purpose may adjourn from day to day and may by resolution modify such assessment in whole or in part. A copy of such resolution, certified by the county clerk, must be delivered to the county treasurer two days after its passage.

Copy of resolution to county treasurer.

Assessment made and levied to constitute a lien upon property.

Section 10. Any special assessment made and levied to defray the cost and expenses of any of the work enumerated in this act, together with any percentages imposed for delinquency and for cost of collection, shall constitute a lien upon and against the property upon which such assessment is made and levied, and from and after the date of the passage of the resolution levying such assessment, which lien can only be extinguished by payment of such assessment, with all penalties, costs and interest.

Board of county commissioners to be ex-officio commissioners—jurisdiction and responsibility.

Section 11. The board of county commissioners shall be ex-officio commissioners of the metropolitan sanitary and/or storm sewer district formed under the provisions of this act, and shall have sole and complete jurisdiction over all drainage structures and sewage treating plants which are now or may be hereafter built and situated within said district. The commission shall be responsible for the proper functioning and maintenance thereof, and for the condition and maintenance of all publicly owned streets, alleys, land, parks or other thoroughfares within the boundaries of such district insofar as such may be affected by the construction or maintenance of the structures under control and jurisdiction of such district.

Board authorized to apply for and receive federal moneys.

Section 12. The board of county commissioners are hereby authorized to apply for, and receive from, the federal government on behalf of said metropolitan sanitary and/or storm sewer district, any monies that may be appropriated by the congress for aiding in local public works projects, and likewise the board of county commissioners may borrow from the federal government any funds

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available for assisting in the planning or financing of local public works projects, and repay the same out of the monies received from the tax levy provided for in this act.

Other sections of R.C.M., 1947 applicable hereunder.

Section 13. The provisions of sections 16-1607, 16-1608, 16-1609, 16-1610, 16-1615, 16-1616, 16-1619, 16-1620, 16-1621, 16-1622, 16-1623, 16-1624, 16-1625, 16-1626, 16-1627 and 16-1628, Revised Codes of Montana, 1947, pertaining to the powers and duties of the county commissioners in rural improvement districts shall likewise apply under the provisions of this act.

Ch. 292, laws of 1947, repealed.

Previously established districts valid.

Section 14. Chapter 292, laws of 1947, is hereby repealed, providing however, that any metropolitan sanitary sewer districts established under the provisions of chapter 292, laws of 1947, shall be valid, and any obligations incurred thereunder shall in nowise be affected by the repeal of said chapter 292, laws of 1947.

Approved March 8, 1957.

CHAPTER 186

An Act to Amend Section 81-1709, of the Revised Codes of the State of Montana, 1947, Relating to the Bond Required of Lessees of Oil and Gas Leases and Assigns Thereof, and Providing for a General Bond, in a Sum to be Fixed by the Board Not to Exceed Fifty Thousand Dollars ($50,000.00), to Cover All Leases; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing an Effective Date of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 81-1709 of the Revised Codes of the State of Montana, 1947, be, and the same is hereby amended to read as follows, to wit:

Lessees of oil and gas leases required to furnish bonds to state.

Form and amount.

"81-1709. (1882.9) **Bond of Lessees.** The state board of land commissioners shall require lessees of oil and gas leases and assigns thereof to furnish bonds to the state in form and substance prescribed by law or by regulations of the board and in amount, or amounts, adequate to indemnify the state against loss, damage or detriment by reason of failure of the lessee to fully discharge the obligations contained in any lease or assign-

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To include penalties. Proviso—maximum amount on one lease for any one year. Proviso—lessee may furnish one bond covering all leases of lessee. Maximum.

ment thereof, including the payment of any money penalties fixed by the board; provided, that no bond in excess of twenty thousand dollars ($20,000.00) shall be required under any one lease for any one year;" *and provided further that any lessee of oil and gas leases or any assignee of such leases, may, at his discretion, furnish one bond in a sum to be fixed by the board not to exceed fifty thousand dollars ($50,000.00) covering all leases in which any interest is acquired, in which event separate bonds relating to individual leases or interests therein shall not be required.*

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1957.

CHAPTER 187

An Act to Amend Section 53-423 of Replacement Volume 3 of the Revised Codes of Montana, 1947, Relating to Exceptions to Requirement of Security; by Providing That the Supervisor has Authority to Make Exceptions in Cases Where Settlements Have Been Made by Insurance Companies; by Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing That This Act Shall be in Full Force and Effect from and After its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 53-423 of replacement volume 3 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Further exceptions to requirement of security.

"53-423. **Further Exceptions to Requirement of Security.** The requirements as to security and suspension in section 53-422 shall not apply:

Accident—no injury or damage.

1. to the operator or the owner of a motor vehicle involved in an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner;

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2. to the operator or the owner of a motor vehicle legally parked at the time of the accident; Illegal parking at time of accident.

3. to the owner of a motor vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who has been operating such motor vehicle without such permission; nor Accident—motor vehicle operated without owner's permission—same on parking.

4. if, prior to the date that the supervisor would otherwise suspend license and request and require of the registrar suspension of registration or nonresident's operating privilege under section 53-422, there shall be filed with the supervisor evidence satisfactory to him that the person who would otherwise have to file security has been released from liability or been finally adjudicated not to be liable or has executed a duly acknowledged written agreement providing for the payment of an agreed amount in installments, with respect to all claims for injuries or damages resulting from the accident; *nor* Release of liability or agreement to pay agreed amount.

5. if, prior to the date that the supervisor would otherwise suspend the license or the nonresident's operating privilege under section 53-422, there shall be filed with the supervisor evidence satisfactory to him that the person who would otherwise be required to file security has in any manner settled the claims of the other persons involved in the accident and if the supervisor determines that, considering the circumstances of the accident and the settlement, the purposes of this act and of protection of operators and owners of other motor vehicles are best accomplished by not requiring the posting of security or the suspension of the license. For the purpose of administering this section, the supervisor may consider a settlement made by an insurance company as the equivalent of a settlement made directly by the insured. Settlement of claims, determination by supervisor. Settlement by insurance company.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval. Effective immediately.

Approved March 8, 1957.

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CHAPTER 188

An Act Relating to Rural Special Improvement Districts in Counties; Authorizing the Creation, Maintenance and Use of a Rural Special Improvement District Revolving Fund in any County for the Purpose of Securing Prompt Payment of Rural Special Improvement District Bonds and Warrants and Interest Thereon, and Requiring Levy of Taxes When Necessary for the Financial Requirements of Such Fund; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Board of county commissioners authorized to create rural special improvement districts and rural special district revolving fund.

Section 1. The board of county commissioners of any county in the state which may hereafter create any rural special improvement district or districts for any purpose shall, in order to secure prompt payment of any special improvement district bonds or warrants issued in payment of improvements made therein, and the interest thereon as it becomes due, create, establish, and maintain by resolution a fund to be known and designated as "rural special improvement district revolving fund."

Provision for funds.

Section 2. For the purpose of providing funds for such revolving fund the board of county comissioners

Loans from general fund.

(1) may in its discretion, from time to time, transfer to the revolving fund from the general fund of the county such amount or amounts as may be deemed necessary, which amount or amounts so transferred shall be deemed and considered, and shall be, loans from such general fund to the revolving fund; and

Levy and collect tax.

(2) shall, in addition to such transfer or transfers from the general fund, or in lieu thereof, levy and collect for such revolving fund such a tax, hereby declared to be for a public purpose, on all the taxable property in such county as shall be necessary to meet the financial requirements of such fund, such levy, together with such transfer, not to exceed in any one year five per centum (5%) of the principal amount of the then outstanding rural special improvement district bonds and warrants.

Maximum levy.

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Loan for deficiency for warrants, bonds or interest.

Section 3. (1) Whenever any rural special improvement district bond or warrant, or any interest thereon, shall hereafter become due and payable, and there shall then be either no money or not sufficient money in the appropriate district fund with which to pay the same, an amount sufficient to make up the deficiency may, by order of the board of county commissioners, be loaned by the revolving fund to such district fund, and thereupon such bond or warrant or such interest thereon shall be paid from the money so loaned or from the money so loaned when added to such insufficient amount, as the case may require.

Annual orders for loans or advances for deficiencies in bond and interest account.

(2) In connection with the issuance of rural special improvement district bonds or warrants, the board of county commissioners may undertake and agree to issue orders annually authorizing loans or advances from the revolving fund to the district fund involved in amounts sufficient to make good any deficiency in the bond and interest accounts thereof to the extent that funds are available, and may further undertake and agree to provide funds for such revolving fund pursuant to the provisions of section 2 of this act by annually making such tax levy (or, in lieu thereof, such loan from the general fund) as the board of county commissioners may so agree to and undertake, subject to the maximum limitations imposed by said section 2 of this act, which said undertakings and agreements shall be binding upon said county so long as any of said special improvement district bonds or warrants so offered, or any interest thereon, remain unpaid.

Provisions of section 2 may apply.

Lien for amount of loans on land within the district, on unpaid assessments and all moneys coming into district fund.

Section 4. Whenever any loan is made to any rural special improvement district fund from the revolving fund, the revolving fund shall have a lien therefor on the land within the district which is delinquent in the payment of its assessments, and on all unpaid assessments and installments of assessments on such district, whether delinquent or not, and on all moneys thereafter coming into such district fund, to the amount of such loan, together with interest thereon from the time it was made at the rate, or percentage, borne by the bond or warrant for payment of which, or, of interest thereon, such loan was made; and whenever there shall be moneys in such district fund which are not required for payment of any bond or warrant of such district,

Interest.

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or of interest thereon, so much of such moneys as may be necessary to pay such loan shall, by order of the board of county commissioners, be transferred to the revolving fund; and after all the bonds and warrants issued on any rural special improvement district have been fully paid, all moneys remaining in such district fund shall by the order of the board be transferred to and become part of the revolving fund; if after all the bonds and warrants issued on any rural special improvement district have been fully paid and all moneys remaining in such district fund have been transferred to the revolving fund there still remains a debt from the district to the revolving fund, the board of county commissioners may foreclose the lien upon property within the district owing unpaid assessments to the district for the purpose of paying off said loan to the revolving fund.

Transfer back to revolving fund.

Excess money in district fund transferred to revolving fund.

Foreclosure of lien for debt.

Excess in revolving fund to be transferred to general fund.

Section 5. Whenever there is in the revolving fund an amount in excess of the amount which the board deems necessary for payment or redemption of maturing bonds or warrants or interest thereon, the board may order such excess or any part thereof transferred to the general fund of the county.

Severability clause.

Section 6. If any clause, sentence, paragraph, section, or other part whatsoever, of this act shall for any reason be held to be invalid or inoperative, the remainder of this act shall not thereby be invalidated, impaired, or in anywise affected, and such holding shall be confined in its effect to the clause, sentence, paragraph, section, or other part of this act, directly adjudged to be invalid or inoperative.

Repealing clause.

Section 7. All acts and parts of acts in conflict with this act are hereby repealed to the extent of such conflict.

Approved March 8, 1957.

CHAPTER 189

An Act to Provide for the Annexation by any Municipality of Land Contiguous Thereto Which is Owned by the United States, the State of Montana, or any Agency, Instrumentality, or Political Subdivision of Either, or in Which Any of the Foregoing Have a

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Beneficial Interest; Providing for the Method of Annexation; Confirming Prior Annexations of Such Land; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Incorporation and annexation of contiguous land by cities.

Section 1. Whenever any land contiguous to a municipality is owned by the United States or by the State of Montana, or by any agency, instrumentality, or political subdivision of either, or whenever any of the foregoing have a beneficial interest in any land contiguous to a municipality, such land may be incorporated and included in the municipality to which it is contiguous, and may be annexed thereto and made a part thereof, in the following manner:

Procedure for annexation. Owner to file description and statement.

1. The administrative head of the owner of the land, or the administrative head of the holder of a beneficial interest in the land, shall file with the clerk of the municipality a description of the land, a certification of ownership or of beneficial interest therein, and a statement that the owner of, or the holder of, the beneficial interest in the land desires to have it annexed. Whereupon, the governing body of the municipality shall pass a resolution reciting its intention to annex the land and setting a time and place for a public hearing thereon.

Resolution of intention—public hearing.

Publication of notice of resolution.

2. The clerk of the municipality shall forthwith cause to be published in the newspaper nearest such land, at least once a week for two successive weeks, a notice that such resolution has been duly and regularly passed, and that for a period of twenty (20) days after the first publication of such notice, such clerk will receive expressions of approval or disapproval, in writing, of the proposed alterations of the boundaries of the municipality. Said notice shall also state the time and place set for the public hearing on the proposed annexation.

Hearing.

3. At the time and place set for the public hearing aforesaid, the governing body of the municipality shall hear all persons and all things relative to the proposed annexation, and if the governing body shall find that it is to the best interests of the municipality and its inhabitants to annex the land, it shall adopt a resolution of annexation of the land.

Resolution of annexation.

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Copy of resolution and map to be filed with county clerk.

4. Within thirty (30) days after the passage and approval of said resolution, a copy thereof duly certified by the clerk of the municipality, together with a map showing the corporate limits of said municipality as altered and changed, shall be filed in the office of the county clerk and recorder of the county in which said municipality is located. Said resolution shall become effective thirty (30) days after its passage and approval, and thereafter the boundary of said municipality shall be as set forth in said resolution.

Effective 30 days after passage and approval.

"Contiguous" construed.

Section 2. The land proposed to be annexed to a municipality under the provisions of this act shall be deemed contiguous to such municipality, even though such land may be separated from such municipality by a street, or other roadway, a sidewalk, or by a public way of any kind, or by an irrigation ditch or drainage ditch, or by some other strip too small for the erection of houses.

Validation of certain annexations of land.

Section 3. Any annexation heretofore made of land with respect to which the United States or the State of Montana, or any agency, instrumentality or political subdivision of either was at the time of annexation either owner or possessor of a beneficial interest therein, is hereby validated and confirmed.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 8, 1957.

CHAPTER 190

An Act to Provide for the Issuance of Identification Cards to All Persons Attaining the Age of Twenty-one (21) Years; Fixing the Fee Therefor; Providing That the County Clerk and Recorder Accept Applications and Forward the Same to the Montana Liquor Control Board Who Shall Issue Such Identification Cards to Qualified Applicants; Providing for and Defining the Data Which Such Cards Shall Contain; Providing for Penalties for the Violation of the Provisions of the Act; Providing Effective Date of Act; and Repealing All Acts and Parts of Acts in Conflict Therewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

Application for identification card—persons attaining age 21.

Section 1. **All Persons Attaining the Age of Twenty-one (21) Years May Apply to the County Clerk and Recorder for an Identification Card.** All persons attaining the age of twenty one (21) years may apply to the county clerk and recorder of the county in which the applicant resides for an identification card which shall prima facie establish that the applicant has reached the age of twenty-one (21) years.

Duties of county clerk.

Section 2. **Duties of the County Clerk and Recorder.** Upon making application to the county clerk and recorder for an identification card, the applicant must apply in person before the county clerk and recorder, who shall ascertain and receive from the applicant:

1. The true and full name of the applicant;

2. The date of birth of the applicant, provided, however, it shall be within the discretion of the officer to require proof of the date of birth with a certified copy of his or her birth certificate;

3. Place of birth of the applicant;

4. The height and weight of the applicant;

5. The color of eyes and hair of the applicant; and

Photograph of applicant required.

6. A one and one-quarter inch (1-¼") by one and one-half inch (1-½") photograph of the applicant which shall bear a true resemblance to the applicant. It shall be within the discretion of the clerk and recorder to refuse a photograph which does not present a true resemblance of the applicant.

Clerk to forward application to liquor control board, card issued by said board.

Section 3. **County Clerk and Recorder to Forward Application to the Montana Liquor Control Board for Issuance of Identification Card.** The county clerk and recorder shall forward the application, properly filled in and authenticated, to the Montana liquor control board, and that board shall prepare an identification card upon a laminating machine. The identification card shall set forth all the information contained in the application, together with the photograph, and shall be signed by the chairman of the Montana liquor control board or his designee.

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Liquor board to furnish application forms to county clerks.

Section 4. **Montana Liquor Control Board to Furnish Application Forms to County Clerk and Recorders.** It shall be the duty of the Montana liquor control board to prepare suitable application blanks and cause the same to be distributed to the various county clerk and recorders.

Fee to be forwarded to liquor control board.

Section 5. **Fee to be Charged.** The county clerk and recorder shall charge and collect a fee of fifty cents ($0.50) from the applicant at the time the application is prepared. This fee shall be transmitted to the Montana liquor control board along with the application and shall be used to defray the cost of administering and executing the provisions of this act. Any surplus shall revert to the general fund of the State of Montana.

Surplus to general fund.

Unlawful to issue state liquor permit to persons under age of 21.

Section 6. It shall be unlawful for any person to issue a state liquor permit to any person under the age of twenty-one (21) years.

Fraudulent misrepresentation of age, falsely procuring identification card, alteration, unlawful.

Section 7. It shall be unlawful for any person to fraudulently misrepresent his or her age to any dispenser of intoxicating liquor, or to falsely procure an identification card, or to alter any of the statements contained in the identification card as herein provided for.

Penalty for violations.

Section 8. **Penalty for Violations.** Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor which upon conviction, shall be punishable by a fine of five hundred dollars ($500.00) or three (3) months' confinement, or both.

Jurisdiction.

Section 9. **Jurisdiction.** The district courts of this state shall have concurrent jurisdiction with justice of the peace courts in all prosecutions under this act.

Repealing clause.

Section 10. All acts and parts of acts in conflict herewith are hereby repealed.

Effective July 1, 1957.

Section 11. **Effective Date.** This act shall be in full force and effect from and after July 1, 1957.

Approved March 8, 1957.

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CHAPTER 191

An Act Providing for the Classification of Lands, and the Appraisal of City and Town Lots and Rural and Urban Improvements in the State of Montana for Assessment and Taxation Purposes; Defining the Duties of the Boards of County Commissioners, County Assessors, and the State Board of Equalization in Connection Therewith, Providing for a Tax Levy; Providing for an Effective Date and Repealing Sections 84-430 to 84-437 Inclusive, Revised Codes of Montana of 1947, Chapter 198 of the Session Laws of 1955, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Duty of board of county commissioners to classify and appraise taxable lands.

Section 1. It is hereby made the duty of the board of county commissioners of the several counties of the State of Montana to accomplish, in such manner as the state board of equalization may direct, the following:

a. The classification of all taxable lands.

b. The appraisal of all taxable city and town lots.

c. The appraisal of all taxable rural and urban improvements.

Records.

A record thereof must be kept upon such maps, plats and forms, and entered in such books of record as may be prescribed by the state board of equalization. Such maps, plats, forms and books of record shall be official records of the county. A certified copy of all such records as may be desired shall be furnished to the state board of equalization, and the state board of equalization shall provide for the payment to the several counties of the cost of preparing such copy of the records so provided for, as they may require.

Certified copy to board of equalization.

Duty to keep classification and appraisal current.

After compliance with the other provisions of this act, it shall be the duty of the board of county commissioners to maintain current, the classification of all taxable lands and appraisal of city and town lots, and rural and urban improvements, as provided for herein.

Creation of classification and appraisal fund.

Section 2. The board of county commissioners shall create and establish a fund to be known as the "classification and appraisal fund," and may levy annually a

Levy for fund.

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tax not to exceed two (2) mills upon all property in the county subject to taxation, the proceeds of which shall be deposited by the county treasurer to the credit of such fund, and any balance unexpended at the end of any fiscal year shall remain in such fund and be available to carry out the provisions of this act. All costs and expenses incurred by the board of county commissioners for such work, labor, services and supplies required by this act, shall be paid by warrants drawn on said fund on claims approved by said board; and the board of county commissioners is hereby authorized to declare an emergency and issue such warrants in the manner provided by section 16-1907 of the Revised Codes of Montana of 1947.

Costs and expenses.

Warrants.

Assessment based on classification and appraisal.

Section 3. The county assessor must base the assessments of all lands, city and town lots, and all improvements on the classification and appraisal as made by the board of county commissioners.

Intent.

Initiated by July 1, 1957, completed within 5 years.

Section 4. It is the intent of this act that classification and appraisal be initiated expeditiously, but in no event later than July 1, 1957 and shall be completed not later than five (5) years from the effective date of this act.

County commissioners duty to cause mailing of notice of classification of land and appraisal to owners.

Section 5. It shall be the duty of the board of county commissioners to cause to be mailed to each owner a notice of the classification of the land owned by him and the appraisal of the improvements thereon. If the owner of any land and improvements be dissatisfied with the classification of his land or the appraisal of the improvements the board of county commissioners shall give reasonable notice to such taxpayer of the time and place of hearing and hear any testimony or other evidence which the taxpayer may desire to produce at such time and afford the opportunity to other interested persons to produce evidence at such hearing and thereafter the board of county commissioners shall determine the true and correct classification of such land or appraisal of such improvements and forthwith notify the taxpayer of their determination and when so determined the land shall be classified and improvements appraised in the manner ordered by the board of county commissioners. If any property owner shall feel aggrieved at the classification and/or the appraisal so made by the board of

Hearing for dissatisfied owners.

Determination by board.

Appeal to state board of equalization.

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commissioners he shall have the right to appeal to the state board of equalization whose findings shall be final subject to the right of review in the proper court or courts.

Duty of state board of equalization.

Section 6. It is hereby made the duty of the state board of equalization to implement the provisions of this act by providing:

Method of classification.

1. For a general and uniform method of classifying lands in the State of Montana for the purpose of securing an equitable and uniform basis of assessment of said lands for taxation purposes.

All lands shall be classified according to their use or uses and graded within each class according to soil and productive capacity. In such classification work, use shall be made of soil surveys and maps and all other pertinent available information. All lands must be classified by forty (40) acre tracts or fractional lots.

Method of appraising, cities and towns;

2. For a general and uniform method of appraising city and town lots.

rural and urban improvements.

3. For a general and uniform method of appraising rural and urban improvements.

Timberlands.

4. For a general and uniform method of appraising timber lands.

Work performed under Ch. 198, laws of 1955, declared valid.

Section 7. Any and all work performed or caused to be performed by the boards of county commissioners of the various counties for the classification of lands and appraisal of city and town lots and rural and urban improvements, under the provisions of chapter 198, laws of 1955, is hereby declared to be valid and of the same effect as if performed under the provisions of this act.

Sections 84-430 to 84-437, inclusive, R.C.M., 1947, and Ch. 198, laws of 1955, repealed.

Section 8. Sections 84-430 to 84-437, inclusive, of the Revised Codes of Montana, 1947, and chapter 198 of the session laws of 1955, and all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Effective immediately.

Section 9. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1957.

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CHAPTER 192

An Act to Amend Section 31-146 of the Revised Codes of Montana, 1947, Relating to Mandatory Revocation of License by Board, and, Providing that the Supervisor may upon Proper Authority Revoke Licenses and Providing that Manslaughter Resulting from the Operation of a Motor Vehicle be Grounds for Immediate Revocation of License; and Providing that Driving a Motor Vehicle While Under the Influence of Intoxicating Liquor or Narcotic Drug or a Combination Thereof be Grounds for Immediate Revocation of License; by Providing that All Acts or Parts of Acts in Conflict Herewith are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 31-146 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Mandatory revocation of license by board or supervisor upon proper authority.

"Section 31-146. **Mandatory Revocation of License by Board** *or Supervisor Upon Proper Authority.*

"The board *or supervisor upon proper authority* shall forthwith revoke the license of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction of any of the following offenses, when such conviction has become final:

Conviction for certain offenses— motor vehicle manslaughter.

"1. Manslaughter resulting from the operation of a motor vehicle;

Influence of intoxicating liquor or narcotics.

"2. Driving a motor vehicle while under the influence of intoxicating liquor *or narcotic drug or a combination thereof;*

Motor vehicle, felony.

"3. Any felony in the commission of which a motor vehicle is used;

Failure to stop to render aid.

"4. Failure to stop and render aid as required under the laws of this state in the event of a motor-vehicle accident resulting in the death or personal injury of another;

Perjury or false affidavit.

"5. Perjury or the making of a false affidavit or statement under oath to the board under this act or under any other law relating to the ownership or operation of motor vehicles;

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"6. Conviction, or forfeiture of bail not vacated, upon three (3) charges of reckless driving committed within a period of twelve (12) months." Reckless driving.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 9, 1957.

CHAPTER 193

An Act to Amend Sections 35-103, 35-123 and 35-125 of the Revised Codes of Montana, 1947, and Sections 35-104 and 35-109 of the Revised Codes of Montana, 1947, as Amended by Chapter 68, Session Laws of Montana, 1953, Relating to Housing Authorities, Defining Cities, Persons of Low Income and Elderly Families, Providing for Notice, Hearing and Creation of Authority and the Area of Operation of Housing Authorities, Relating to Authorization of Council and Approval of Electorate of the City or Town by Election Before Projects are Undertaken, Providing for Agreements to Secure Federal Contributions and Determination or Payment of Prevailing Wage Rates; to Incorporate New Sections in Said Revised Codes of Montana, 1947, as Amended by Chapter 68, Session Laws of Montana, 1953, to be Known as Sections 35-103.1 and 35-125.1, Providing for Housing for Elderly Families and for Payments in Lieu of Taxes; Containing a Severability Clause, a Controlling Clause and a Repealing Clause; Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 35-103 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows: Amending clause.

"Section 35-103. (5309.3) **Definitions.** The following terms, wherever used or referred to in this act shall have the following respective meanings, unless a different meaning clearly appears from the context: Terms defined.

"(1) 'Authority' or 'housing authority' shall mean a public body and a body corporate and politic organized in accordance with the provisions of this act for the pur- "Authority" or "Housing authority."

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poses, with the powers and subject to the restrictions hereinafter set forth.

"City." "(2) 'City' shall mean *any* city which is, or is about to be, included in the territorial boundaries of an authority when created hereunder.

"Council." "(3) 'Council' shall mean the legislative body, council, board of commissioners, board of trustees, or other body charged with governing the city.

"City clerk" and "mayor." "(4) 'City clerk' and 'mayor' shall mean the clerk and mayor, respectively, of the city or the officers thereof charged with the duties customarily imposed on the clerk and mayor respectively.

"Municipality" "(5) 'Municipality' shall mean any city, town or incorporated village, which is located within the territorial boundaries of an authority.

"Commissioner." "(6) 'Commissioner' shall mean one of the members of an authority appointed in accordance with the provisions of this act.

"Government." "(7) 'Government' shall include the state and federal governments and any subdivision, agency or instrumentality, corporate or otherwise, of either of them.

"State." "(8) 'State' shall mean the State of Montana.

"Federal government." "(9) 'Federal government' shall include the United States of America, the federal emergency administration of public works or any agency, instrumentality, corporate or otherwise, of the United States of America.

"Housing project." "(10) 'Housing project' shall include all real and personal property, buildings and improvements, stores, offices, lands for farming and gardening, and community facilities acquired or constructed or to be acquired or constructed pursuant to a single plan or undertaking (a) to demolish, clear, remove, alter or repair unsanitary or unsafe housing, and/or (b) to provide safe and sanitary dwelling accommodations for persons of low income. The term 'housing project' may also be applied to the planning of the buildings and improvements, the acquisition of property, the demolition of existing structures, the construction, reconstruction, alteration and repair of the improvements and all other work in connection therewith.

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"(11) 'Community facilities' shall include real and personal property, and buildings and equipment for recreational or social assemblies, for educational, health or welfare purposes and necessary utilities, when designed primarily for the benefit and use of the housing authority and/or the occupants of the dwelling accommodations. "Community facilities."

"(12) 'Bonds' shall mean any bonds, interim certificates, notes, debentures, or other obligations of the authority issued pursuant to this act. "Bonds."

"(13) 'Mortgage' shall include deeds of trust, mortgage, building and loan contracts or other instruments conveying real or personal property as security for bonds and conferring a right to foreclose and cause a sale thereof. "Mortgage."

"(14) 'Trust indenture' shall include instruments pledging the revenues of real or personal properties but not conveying such properties or conferring a right to foreclose and cause a sale thereof. "Trust indenture."

"(15) 'Contract' shall mean any agreement of an authority with or for the benefit of an obligee whether contained in a resolution, trust indenture, mortgage, lease, bond or other instrument. "Contract."

"(16) 'Real property' shall include lands, lands under water, structures, and any and all easements, franchises and incorporeal hereditaments and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage or otherwise. "Real property."

"(17) 'Obligee of the authority' or 'obligee' shall include any bondholder, trustee or trustees for any bondholders, any lessor demising property to the authority used in connection with a housing project or any assignee or assignees of such lessor's interest or any part thereof, and the United States of America, when it is a party to any contract with the authority. "Obligee of the authority" or "obligee."

"(18) 'Persons of low income' shall mean persons or families who lack the amount of income which is necessary (as determined by the authority undertaking the housing project) to enable them, without financial assistance, to live in decent, safe and sanitary dwellings, without overcrowding. "Persons of low income."

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"Elderly families."

"(19) 'Elderly families' shall mean families the head of which (or his spouse) is sixty-five years of age or over and who otherwise qualify as 'persons of low income' within the meaning of the definition set forth in (18) above."

Amending clause—adding new section.

Section 2. That title 35 of the Revised Codes of Montana, 1947, be, and the same is hereby amended by incorporating therein, following section 35-103 thereof, a new section to be known as section 35-103.1 to read as follows:

Provision for low-rent housing for elderly families.

"Section 35-103.1 For the purpose of increasing the supply of low-rent housing for elderly families, an authority may develop, construct and operate new housing or acquire, remodel and operate existing housing in order to provide accommodations designed specifically for such elderly families; provided, that any application of the authority for federal financial assistance for such housing for elderly families shall first be approved by the council by resolution duly adopted. Notwithstanding the provisions of this or any other law, an authority, in respect to dwelling units suitable to the needs of elderly families, may extend a prior preference in occupancy to such elderly families; provided, that an authority may agree to conditions as to tenant eligibility or preference required by the federal government pursuant to federal law in any contract for financial assistance with the authority."

Resolution for financial assistance.

Prior preference. Proviso.

Amending clause.

Section 3. That section 35-104 of the Revised Codes of Montana, 1947, as amended by chapter 68, laws of the thirty-third legislative assembly of 1953, be, and the same is hereby amended to read as follows:

Creation of authority.

"Section 35-104. (5309.4) **Notice, Hearing and Creation of Authority.** Any twenty-five (25) residents of a city and of the area within ten (10) miles from the territorial boundaries thereof may file a petition with the city clerk setting forth that there is a need for an authority to function in the city and said surrounding area. Upon the filing of such a petition the city clerk shall give notice of the time, place and purposes of a public hearing at which the council will determine the need for an authority in the city and said surrounding area. Such notice shall be given at the city's expense by publishing a notice, at least ten (10) days preceding the day on which the hearing is to be held, in a newspaper having a general circulation in the city and said sur-

Petition, notice, hearing.

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rounding area or, if there be no such newspaper, by posting such a notice in at least three (3) public places within the city, at least ten (10) days preceding the day on which the hearing is to be held.

"Upon the date fixed for said hearing held upon notice as provided herein, an opportunity to be heard shall be granted to all residents and taxpayers of the city and said surrounding area and to all other interested persons. After such a hearing, the council shall determine:

"(1) Whether unsanitary or unsafe inhabited dwelling accommodations exist in the city and said surrounding area, and/or

"(2) Whether there is a lack of safe or sanitary dwelling accommodations in the city and said surrounding area available for all the inhabitants thereof.

"In determining whether dwelling accommodations are unsafe or unsanitary, the council shall take into consideration the following: the physical condition and age of the buildings; the degree of overcrowding; the percentage of land coverage; the light and air available to the inhabitants of such dwelling accommodations; the size and arrangement of the rooms; the sanitary facilities; and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes.

Commissioners, to act as authority, ordinance.

"If it shall determine that either or both of the above enumerated conditions exist, the council must draft an ordinance authorizing the mayor to appoint five (5) commissioners to act as an authority, which said ordinance shall not be effective until it has been approved by a majority vote of the electors within the city limits voting, either at a special or general election. Said commission shall be a public body and a body corporate and politic upon the completion of the taking of the following proceedings:

Application by commissioners filed with secretary of state.

"The commissioners shall present to the secretary of the state an application signed by them, which shall set forth (without any detail other than the mere recital) (1) that a notice has been given and public hearing has been held as aforesaid, that the council made the aforesaid determination after such hearing, and that the

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mayor has appointed them as commissioners; (2) the name, and official residence of each of the commissioners, together with a certified copy of the appointment evidencing their right to office, the date and place of induction into and taking oath of office, and that they desire the housing authority to become a public body and a body corporate and politic under this act; (3) the term of office of each of the commissioners; (4) the name which is proposed for the corporation; and (5) the location of the principal office of the proposed corporation. The application shall be subscribed and sworn to by each of said commissioners before an officer authorized by the laws of the state to take and certify oaths, who shall certify upon the application that he personally knows the commissioners and knows them to be the officers as asserted in the application, and that each subscribed and swore thereto in the officer's presence. The secretary of state shall examine the application and if he finds that the name proposed for the corporation is not identical with that of a person or of any other corporation of this state or so nearly similar as to lead to confusion and uncertainty he shall receive and file it and shall record it in an appropriate book of record in his office.

Authority a body corporate and politic.

"When the application has been made, filed and recorded, as herein provided, the authority shall constitute a public body and a body corporate and politic under the name proposed in the application; the secretary of state shall make and issue to the said commissioners, a certificate of incorporation pursuant to this act, under the seal of the state, and shall record the same with the application.

Certificate.

Boundaries.

"The boundaries of such authority shall include said city and the area within ten (10) miles from the territorial boundaries of said city but in no event shall it include the whole or a part of any other city *unless a resolution shall have been adopted by the governing body of such other city declaring that there is a need for such authority to exercise its powers within that city.* In case an area lies within ten (10) miles of the boundaries of more than one city, such area shall be deemed to be within the boundaries of the authority embracing such area which was first established, all priorities to be determined on the basis of the time of the issuance of the aforesaid

Resolution of other city to include in boundaries.

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certificates by the secretary of state. *No housing authority shall operate in any area in which an authority already established is operating without the consent by resolution of the authority already operating therein.* After the creation of an authority, the subsequent existence within its territorial boundaries of more than one city shall in no way affect the territorial boundaries of such authority.

Not to operate in area of established authority without consent.

"If the council, after a hearing as aforesaid, shall determine that neither of the above enumerated conditions exist, it shall adopt a resolution denying the petition. After three (3) months shall have expired from the date of the denial of any such petition, subsequent petitions may be filed as aforesaid and new hearings and determinations made thereon.

Procedure on denial.

"In any suit, action or proceedings involving the validity or enforcement of, or relating to any contract of the authority, the authority shall be conclusively deemed to have been established in accordance with the provisions of this act upon proof of the issuance of the aforesaid certificate by the secretary of state. A copy of such certificate, duly certified by the secretary of state shall be admissible in evidence in any such suit, action or proceeding, and shall be conclusive proof of the filing and contents thereof."

Certificate deemed conclusive evidence.

Section 4. That section 35-109 of the Revised Codes of Montana, 1947, as amended by chapter 68, laws of the thirty-third legislative assembly of 1953, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 35-109. (5309.9) An authority shall constitute a public body and a body corporate and politic, exercising public powers, and having all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers in addition to others herein granted:

Powers of authority.

"To investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where unsafe, or unsanitary dwelling or housing conditions exist; to study and make recommendations concerning the plan of any city or municipality located within its boundaries in relation to the problem of clearing, replanning and reconstruction of areas in which unsafe, or unsanitary dwelling or housing

Investigate conditions.

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conditions exist, and the providing of dwelling accommodations for persons of low income, and to cooperate with any city, municipal or regional planning agency; to prepare, carry out and operate housing projects; to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof; to take over by purchase, lease or otherwise any housing project located within its boundaries undertaken by any government; to act as agent for the federal government in connection with the acquisition, construction, operation and/or management of a housing project or any part thereof; to arrange with any city or municipality located in whole or in part within its boundaries or with a government for the furnishing, planning, replanning, installing, opening or closing of streets, options or property rights or for the furnishing of property or services in connection with a project;

Arrange for services, and plans, and zones; make leases, surveys.

"To arrange with the state, its subdivision and agencies, and any county, city or municipality of the state, to the extent that it is within the scope of each of their respective functions, (a) to cause the services customarily provided by each of them to be rendered for the benefit of such housing authority and/or the occupants of any housing projects and (b) to provide and maintain parks and sewage, water and other facilities adjacent to or in connection with housing projects and (c) to change the city or municipality map, to plan, replan, zone or rezone any part of the city or municipality; to lease or rent any of the dwelling or other accommodations or any of the lands, buildings, structures or facilities embraced in any housing project and to establish and revise the rents or charges therefor; to enter upon any building or property in order to conduct investigations or to make surveys or soundings; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, or otherwise any property real or personal or any interest therein from any person, firm, corporation, city, municipality, or government;

Eminent domain.

"To acquire by eminent domain any real property, including improvements and fixtures thereon; to sell, exchange, transfer, assign, or pledge any property real or personal or any interest therein to any person, firm, corporation, municipality, city, or government; to own, hold, clear and improve property, to insure or provide

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for the insurance of the property or operations of the authority against such risks as the authority may deem advisable; to procure insurance or guarantees from a federal government of the payment of any debts or parts thereof secured by mortgages made or held by the authority on any property included in any housing project;

Borrow money.

"To borrow money upon its bonds, notes, debentures or other evidences of indebtedness and to secure the same by pledges of its revenues, and (subject to the limitations hereinafter imposed) by mortgages upon property held or to be held by it, or in any other manner; in connection with any loan, to agree to limitations upon its right to dispose of any housing project or part thereof or to undertake additional housing projects; in connection with any loan by a government, to agree to limitations upon the exercise of any powers conferred upon the authority by this act; to invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control;

Sue and be sued.

"To sue and be sued; to have a seal and to alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the authority to make and from time to time amend and repeal by-laws, rules and regulations not inconsistent with this act, to carry into effect the powers and purposes of the authority;

Hold hearings, receive proof.

"To conduct examinations and investigations and to hear testimony and take proof under oath at public or private hearings on any matter material for its information;

Subpoena powers.

"To issue subpoenas requiring the attendance of witnesses or the production of books and papers and to issue commissions for the examination of witnesses who are out of the state or unable to attend before the authority, or excused from attendance; and to make available to such agencies, boards or commissions as are charged with the duty of abating or requiring the correction of nuisances or like conditions, or of demolishing unsafe or unsanitary structures within its territorial limits, its findings and recommendations with regard to any building or property

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where conditions exist which are dangerous to the public health, morals, safety or welfare.

Power of individual commissioner.

"Any of the investigations or examinations provided for in this act may be conducted by the authority or by a committee appointed by it, consisting of one or more commissioners, or by counsel, or by an officer or employee specially authorized by the authority to conduct it. Any commissioner, counsel for the authority, or any person designated by it to conduct an investigation or examination shall have power to administer oaths, take affidavits and issue subpoenas or commissions.

May act through agents.

"An authority may exercise any or all of the powers herein conferred upon it, either generally or with respect to any specific housing project or projects, through or by an agent or agents which it may designate, including any corporation or corporations which are or shall be formed under the laws of this state, and for such purposes an authority may cause one or more corporations to be formed under the laws of this state or may acquire the capital stock of any corporation or corporations.

Corporate agent may act.

"Any corporate agent, all of the stock of which shall be owned by the authority or its nominee or nominees, may to the extent permitted by law exercise any of the powers conferred upon the authority herein. In addition to all of the other powers herein conferred upon it, an authority may do all things necessary and convenient to carry out the powers expressly given in this act. No provisions with respect to the acquisition, operation or disposition of property by other public bodies shall be applicable to an authority unless the legislature shall specifically so state.

Ordinance required to be voted on.

"Before any housing projects or additional units to existing housing projects shall be undertaken *by an authority* or a contract *with the federal government shall* be executed therefor, the city or town council must pass an ordinance authorizing the same, and said ordinance shall not be effective until it has been approved by a majority vote of the electors within the corporate limits of such city or town voting either at a special or general election.

Proviso— not applicable.

Provided, however, that provisions on elections herein contained shall not be applicable to repair, maintenance, painting or remodeling of existing units nor to appli-

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cations on file with the public housing administration on the effective date of this act.

Amending clause.

Section 5. That section 35-123 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Authority empowered to borrow money from or accept federal grants.

"Section 35-123. (5309.23) **Contracts With Federal Government.** In addition to the powers conferred upon the authority by other provisions of this act, the authority is empowered to borrow money and/or accept grants from the federal government for or in aid of the construction of any housing project which such authority is authorized by this act to undertake, to take over any land acquired by the federal government for the construction of a housing project, to take over or lease or manage any housing project constructed or owned by the federal government, and to these ends, to enter into such contracts, mortgages, trust indentures, leases or other agreements as the federal government may require including agreements that the federal government shall have the right to supervise and approve the construction, maintenance and operation of such housing project. *In any contract with the federal government for annual contributions to an authority, the authority may obligate itself (which obligation shall be specifically enforceable and shall not constitute a mortgage, notwithstanding any other laws) to convey to the federal government possession of or title to the project to which such contract relates, upon the occurrence of a substantial default (as defined in such contract) with respect to the covenants or conditions to which the authority is subject; such contract may further provide that in case of such conveyance, the federal government may complete, operate, manage, lease, convey or otherwise deal with the project in accordance with the terms of such contract; provided, that the contract requires that, as soon as practicable after the federal government is satisfied that all defaults with respect to the project have been cured and that the project will thereafter be operated in accordance with the terms of the contract, the federal government shall reconvey to the authority the project as then constituted.* It is the purpose and intent of this act to authorize every authority to do any and all things necessary to secure the financial aid and the cooperation of the federal government in the construction, maintenance and operation

Enter into contracts.

Obligation to convey to federal government.

Federal government may operate under contract on default.

Reconveyance.

Purpose and intent of the act.

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of any housing project which the authority is empowered by this act to undertake."

Amending clause.

Section 6. That section 35-125 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Additional powers—to agree to conditions relating to prevailing wages and labor standards.

"Section 35-125. (5309.25) **Additional Powers of Authority.** A housing authority shall have the power (notwithstanding anything to the contrary contained in this act or in any other provision of law) *to agree to any conditions attached to federal financial assistance relating to the determination of prevailing salaries or wages or payment of not less than prevailing salaries or wages or compliance with labor standards, in the development or administration of projects, and* to include in any contract let in connection with a project, stipulations requiring that the contractor and any subcontractor comply with requirements as to minimum *salaries or* wages and maximum hours of labor, and comply with any conditions which the federal government may have attached to the financial aid of the project."

Stipulations in contracts for subcontractor compliance.

Amending clause—adding new section.

Section 7. That title 35 of the Revised Codes of Montana, 1947, be, and the same is hereby amended by incorporating therein, following section 35-125 thereof, a new section to be known as section 35-125.1 to read as follows:

Payments by housing authorities to local bodies.

"Section 35-125.1. Payments by housing authorities to local bodies. Notwithstanding any limitations in this or any other law, any housing authority may agree to make such payments to the county, city or municipality, the state, or any political subdivision or agency thereof (which payments such bodies are hereby authorized to accept) as the authority finds consistent with the maintenance of the low-rent character of housing projects or the achievement of the purposes of this housing authorities law."

Severability clause.

Section 8. **Severability.** Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this act, or the application thereof to any person or circumstances, is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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Act controlling.

Section 9. **Act Controlling.** Insofar as the provisions of this act are inconsistent with the provisions of any other law, the provisions of this act shall be controlling.

Repealing clause.

Section 10. **Repeal.** All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 11. **Effective Date.** This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1957.

CHAPTER 194

An Act to Amend Section 39 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to Persons Operating Motor Vehicles While Under the Influence of Intoxicating Liquor or of Drugs; Providing for the Use of Chemical Analysis to Measure the Degree of Intoxication of Drivers; Increasing Minimum Fine for First Offense, Making Imprisonment Mandatory for Second or Third Offenses, of Driving Under the Influence of Intoxicating Liquor or of Drugs; Providing That Revocation of License Will Commence Upon Date of Conviction; Repealing All Acts and Parts of Acts in Conflict Herewith; Providing for Effective Date of Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 39 of chapter 263 of the session laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

Driving or control under influence forbidden.

"Section 39. **Persons Under the Influence of Intoxicating Liquor or of Drugs.**

"(a) It is unlawful and punishable as provided in paragraph *(d)* of this section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any *motor* vehicle *upon the highways* of this state.

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Amount of alcohol in blood at time of violations—presumptions.

"(b) *In any criminal prosecution for a violation of paragraph (a) of this section relating to driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the defendant's blood at the time alleged as shown by chemical analysis of the defendant's blood, shall give rise to the following presumptions:*

Not under influence.

1. If there was at that time 0.05 percent or less by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was not under the influence of intoxicating liquor:

May be considered in determination.

2. If there was at that time in excess of 0.05 percent but less than 0.15 percent by weight of alcohol in the defendant's blood, such fact shall not give rise to any presumption that the defendant was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant:

Under influence.

3. If there was at that time 0.15 percent or more by weight of alcohol in the defendant's blood, it shall be presumed that the defendant was under the influence of intoxicating liquor:

Other evidence allowed.

4. The foregoing provisions of paragraph (b) shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether or not the defendant was under the influence of intoxicating liquor:

Driving under influence of drugs forbidden.

"*(c)* It is unlawful and punishable as provided in paragraph *(d)* of this section for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a *motor* vehicle to drive a *motor* vehicle within this state. The fact that any person charged with a violation of this paragraph is or has been entitled to use such *a* drug under the laws of this state shall not constitute a defense against any charge of violating this paragraph.

Penalties.

"*(d)* Every person who is convicted of a violation of this section *shall* be punished by imprisonment *in the county or city jail* for not more than six (6) months or by a fine of not less than *one hundred dollars ($100.00)* nor more than five hundred dollars ($500.00) or by both such fine and imprisonment. On a second convic-

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tion he shall be punished by imprisonment *in the county or city jail* for not less than *ten (10)* days nor more than *six (6) months, to which may be added, at* the discretion of the court a fine of not less than three hundred dollars ($300.00) nor more than *five hundred dollars ($500.00). On the third or subsequent conviction he shall be punished by imprisonment for a term of not less than thirty (30) days nor more than one (1) year, to which may be added at the discretion of the court a fine of not less than five hundred ($500.00) nor more than one thousand dollars ($1,000.00).*

Third and subsequent conviction.

"The board shall forthwith revoke the license or permit to drive and operating privilege and any nonresident operating privilege of any person convicted under this section; providing, however, that the board shall have the authority after such revocation upon proper application and proper showing made to the board by the party whose license has been revoked to issue to said party a restricted operator's or chauffeur's license allowing the said party to drive a motor vehicle to and from and in the course of his business only, and such restricted license shall remain in effect at the will of said board."

Revocation of license or permit.

Proviso—restricted license.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. If any clause, sentence, section, paragraph or part of this act shall for any reason be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder of this act but shall be confined in its operation to the clause, sentence, section, paragraph or part directly adjudged to be invalid or inoperative.

Severability clause.

Section 4. This act shall be in full force and effect from and after July 1, 1957.

Effective July 1, 1957.

Approved March 9, 1957.

CHAPTER 195

An Act Authorizing the Recovery of Civil Damages Due to the Malicious or Wilful Destruction of Property of Municipal Corporations, Counties, Cities, Towns, School Districts, Departments of the State of

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Montana, or Any Person, Religious Organizations, by Any Person Under the Age of Eighteen (18) Years; Providing for a Limit of Such Damages of Three Hundred Dollars ($300.00) from Parents, and Court Costs; Providing for a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Damages recoverable by cities, counties, school districts and departments from parents of persons under 18 years of age for destruction of property.

Section 1. Any municipal corporation, county, city, town, school district or department of the State of Montana, or any person, or any religious organization whether incorporated or unincorporated, shall be entitled to recover damages in a civil action in an amount not to exceed three hundred dollars ($300.00) in a court of competent jurisdiction from the parents of any person under the age of eighteen (18) years, living with the parents, who shall maliciously or wilfully destroy property, real, personal, or mixed, belonging to such municipal corporation, county, city, town, school district or department of the State of Montana, or person or religious organization.

Actual damage, maximum $300.00.

Section 2. The recovery shall be limited to the actual damages in an amount not to exceed three hundred dollars ($300.00) in addition to taxable court costs.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1957.

CHAPTER 196

An Act to Amend Section 84-602, Revised Codes of Montana, 1947, Relating to Equalization of Assessments, by Adding Thereto a Provision Requiring Notice in Advance by Registered or Certified Mail to the Taxpayer; and to Amend Section 84-603, Revised Codes of Montana, 1947, Relating to Application for Reduction in Valuations, by Adding Thereto a Provision Requiring Application to State Post Office Address of Applicant, Requiring County Clerk to Endorse File Number and Filing Date Upon Such Application, and Requiring County Board to Give Written Notice by Registered or Certified Mail to Applicant, Specifying the Date and Hour for Hearing

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His Application and Fixing Minimum Time of Notice, Unless Notice or Time be Waived by Taxpayer in Writing; and to Amend Section 84-604, Revised Codes of Montana, 1947, Relating to Examination of Applicant, by Adding Thereto a Provision for Preservation of Testimony, Minutes of the Proceedings, and Notice by Registered or Certified Mail to Applicant of the Decision of the Board; Providing for a Repealing Clause; Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-602, Revised Codes of the State of Montana, 1947, be, and the same is hereby amended to read as follows:

Notice of intention to equalize assessment of property.

"84-602. (2114) **Equalization of Assessments.** The board has power after giving notice, *in writing, to the taxpayer, by registered or certified mail, addressed to him at his last known place of residence, of its intention* to increase or lower *his* assessment contained in the assessment book, so as to equalize the assessment of the property contained therein and make the assessment conform to the true value of such property in money, *which notice shall specify the date and hour when he may appear and be heard thereon, which date shall not be less than five (5) days from date of mailing such notice,* and immediately after reaching a decision, the board shall notify the taxpayer, in writing, of such decision, specifying the change, if any, made in the assessment; said notice to be given by registered or certified mail, addressed to the taxpayer at his last known place of residence. The board also has power, in the event that any class of property is assessed as a class, at more or less than its actual value, by the county assessor and the valuation of such property within the county demands a general reclassification by raising or lowering all of the property in said class a certain percentage, the same may be done by the board of county commissioners."

Specify hearing.

Notice of decision.

Class property.

Amending clause.

Section 2. That section 84-603, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Written application required for reduction.

"Section 84-603. (2115) **Application for Reduction in Valuations.** No reduction must be made in the valuation of property unless the party affected thereby, or

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his agent, makes and files with the board on or before the 1st day of August, a written application therefor, verified by his oath. Said application shall *state the post office address of the applicant, shall* specifically describe the property involved and shall state the facts upon which it is claimed such reduction should be made. The board of county commissioners shall, however, have the right to raise or lower the valuation of all of one class of property in a county, as provided in the preceding section."

Amending clause.

Section 3. That section 84-604, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Examination of applicant before any reduction.

"84-604. (2116) **Examination of Applicant.** Before the board grants *any* application or makes any reduction applied for, it must examine on oath, the person or agent making the application, touching the value of the property of each person. No reduction must be made unless such person or agent makes an application, *as provided in the preceding section,* and attends and answers all questions pertinent to the inquiry; except where the investigation is made by the county commissioners, *as such board of equalization,* and the change applies to all of a certain class of property in the county. *The testimony of all witnesses upon such hearing must be reduced to writing and preserved, and transcribed if taken in shorthand or stenotype. The date of hearing, the proceedings before the board, and the decision, must be entered upon the minutes of the board, and the board shall notify the applicant of its decision, by registered or certified mail within three (3) days thereafter."*

Testimony reduced to writing.

Minutes of the board.

Notice of decision.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1957.

CHAPTER 197

An Act to Submit to the Vote of the People a Measure to Authorize the State of Montana to Become Indebted in the Sum of Ten Million Dollars ($10,000,-

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000.00) in Excess of the Constitutional Limitation of Indebtedness Heretofore Incurred or Created and for Which the State of Montana is now Obligated, for the Construction and Equipping of Necessary Buildings, Other Permanent Improvements, Acquisition of Necessary Grounds Therefor Over a Maximum Period of Twenty Years in and About the University of Montana, Consisting of the Six Units Thereof Now Existing, Namely, the Montana State University at Missoula, Montana State College at Bozeman, Montana School of Mines at Butte, Western Montana College of Education at Dillon, Eastern Montana College of Education at Billings, and the Northern Montana College at Havre as Well as the Experiment Stations for Agriculture, Engineering, Forestry, and Mining, and the Agricultural Extension Service; Providing for the Issuance of Bonds in the Name of the State of Montana as Evidence of Such Indebtedness, and for the Sale Thereof, Prescribing the Form of Such Bonds and for a Levy of an Annual Tax Sufficient to Pay the Principal Thereof, and the Interest Accruing Thereon, Providing for a Referendum of This Act, Describing the Form of Ballots to be Used and the Duties of the Secretary of State of Montana Relative to the Submission of This Act to the Qualified Electors of the State, and Providing When This Act Shall Take Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Authorized: bond issue of constitutional limitations for buildings and improvements for university units.

Section 1. That the legislative assembly of the State of Montana is hereby authorized and empowered to direct the state board of examiners to issue bonds in the name of the State of Montana in a sum not exceeding ten million dollars ($10,000,000.00) in excess of the constitutional limitation of indebtedness and over and above any bonded indebtedness heretofore incurred or created and for which the State of Montana is now obligated, the money derived from the sale of said bonds to be used for the construction and equipping of necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the university of Montana, consisting of the six (6) units thereof now existing, namely, Montana state university at Missoula, Montana state college at Bozeman, Montana school of mines at Butte, western Montana college of educa-

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tion at Dillon, eastern Montana college of education at Billings, and the northern Montana college at Havre, as well as the experiment stations for agriculture, engineering, forestry and mining and the agricultural extension service.

Time and amount of issue.

Section 2. Such bonds shall be issued from time to time by the state board of examiners at such times and in such amounts as may appear to the state board of education of the State of Montana in the exercise of its judgment and discretion to be for the best interests of the state and necessary for the construction and equipping of necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the university of Montana, consisting of the six (6) units thereof now existing, namely, Montana state university at Missoula, Montana state college at Bozeman, Montana school of mines at Butte, western Montana college of education at Dillon, eastern Montana college of education at Billings, and the northern Montana college at Havre as well as the experiment stations for agriculture, engineering, forestry, and mining and the agricultural extension service.

Date, terms and denominations of bonds.

Section 3. Each series of bonds provided for in this act shall be issued in such denominations as may be determined by the state board of examiners at the time the same are authorized to be issued under the provisions of this act and shall bear date as of the day of issuance thereof and shall become due and payable serially over a period of not to exceed twenty (20) years from the date of issuance and shall bear interest at the rate of not to exceed four percent (4%) per annum payable semiannually on such dates as may be determined and fixed by the state board of examiners, provided, however, that for each series of said bonds issued after the issuance of the first series thereof, the state board of examiners shall so fix the interest paying dates that the interest thereon will become due and payable on the same date as the interest on the first bonds shall become due and payable, and in order so to do, the state board of examiners may provide that the first interest shall be due and payable at a date less than six (6) months after the date of the issuance of such series.

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Place of payment.

The bonds provided for in this act shall be payable at the office of the state treasurer of the State of Montana at Helena, Montana, or at the option of the holders thereof at the office of the fiscal agent of the State of Montana in the borough of Manhattan, City and State of New York, both as to interest and principal and shall be executed in the name of the State of Montana by the members of the state board of examiners under the great seal of the State of Montana. All of such bonds so issued shall mature at the expiration of twenty (20) years from and after the date thereof and shall be callable at par plus accrued interest for redemption prior to maturity or any interest payment date on or after the expiration of not more than ten (10) years from the respective dates thereof at the option of the state board of examiners of the State of Montana in the manner set forth in the form of bond hereinafter provided.

Maturity.

Form of bonds.

Section 4. The state board of examiners shall prescribe the form of such bonds, and bonds of each series shall bear upon their face the words: "university of Montana building bonds of the State of Montana" with a letter or figure to designate the series thereon and shall be executed by the state board of examiners and the great seal of the State of Montana shall be affixed to each bond and the bonds shall be registered in the office of the state treasurer. Said bonds shall have interest coupons attached thereto covering the interest due semiannually, which coupons shall be executed with facsimile signatures of all of the members of the state board of examiners and the signing of said bonds and coupons with facsimile signatures shall be recognized as sufficient execution on behalf of the State of Montana. The state board of examiners of the State of Montana is hereby authorized and directed to issue and sell such bonds as provided for in this act in such manner as the state board of education shall deem for the best interests of the state and the carrying out of the provisions of this act at such times within a period of twenty (20) years from and after the approval of this act and in such amounts as the said state board of education shall from time to time determine necessary for the purposes herein provided. No bond provided for herein shall be disposed of for less than its par value.

Sale of bonds.

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Special fund for purposes designated.

Section 5. All moneys derived from the issuance and sale of the bonds authorized by this act shall be paid into the state treasury and shall constitute a special fund for the construction and equipping of necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the university of Montana, consisting of the six (6) units thereof now existing, as well as the experiment stations for agriculture, engineering, forestry, and mining and the agricultural extension service, set forth in section 1 of this act, as in the opinion of the state board of education is necessary for the said state institutions. Such moneys shall be expended only for the purposes herein expressly provided for and shall be disbursed by the state treasurer on warrants properly drawn against such fund by the state auditor.

Tax levy for payment of bonds.

Section 6. There shall be levied annually upon all property of the State of Montana subject to taxation an ad valorem tax upon each dollar of the taxable valuation of such property sufficient to pay the interest accruing on said bonds as such interest shall fall due, and the payment of the bonds as they serially become due, said levy, however, not to exceed one and one-quarter (1¼) mills per annum, until the indebtedness herein provided for shall have been fully paid and discharged. The tax when collected by the county treasurers of the several counties of the state shall be by them accounted to and paid into the state treasury of the State of Montana and by the state treasurer placed in the "University of Montana second building bond interest and redemption fund" which fund shall be used exclusively for the payment of principal and interest on said bonds as the same become due.

Act to be submitted to referendum.

Section 7. There shall be a referendum on this act, and the secretary of state of the State of Montana, is hereby required, and it is made his duty to submit this measure to the people of the State of Montana for their approval or rejection at the general election to be held in November, 1958, in accordance with the provisions of the constitution and the laws of the State of Montana relative thereto. The title and number of this referendum act shall be printed upon the official ballot used at said election; and irrespective of the provisions

Official ballot, form and contents.

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of any other statute of the State of Montana, such title shall read as follows:

Title to be printed on ballot.

"AN ACT TO AUTHORIZE THE STATE OF MONTANA TO BECOME INDEBTED IN THE SUM OF TEN MILLION DOLLARS ($10,000,000.00) IN EXCESS OF THE CONSTITUTIONAL LIMITATION OF INDEBTEDNESS HERETOFORE INCURRED OR CREATED AND FOR WHICH THE STATE OF MONTANA IS NOW OBLIGATED, FOR THE CONSTRUCTION AND EQUIPPING NECESSARY BUILDINGS, OTHER PERMANENT IMPROVEMENTS, ACQUISITION OF NECESSARY GROUNDS THEREFOR OVER A MAXIMUM PERIOD OF TWENTY (20) YEARS IN AND ABOUT THE UNIVERSITY OF MONTANA, CONSISTING OF THE SIX (6) UNITS THEREOF NOW EXISTING, NAMELY, THE MONTANA STATE UNIVERSITY AT MISSOULA, MONTANA STATE COLLEGE AT BOZEMAN, MONTANA SCHOOL OF MINES AT BUTTE, WESTERN MONTANA COLLEGE OF EDUCATION AT DILLON, EASTERN MONTANA COLLEGE OF EDUCATION AT BILLINGS, AND THE NORTHERN MONTANA COLLEGE AT HAVRE AS WELL AS THE EXPERIMENT STATIONS FOR AGRICULTURE, ENGINEERING, FORESTRY, AND MINING AND THE AGRICULTURAL EXTENSION SERVICE; PROVIDING FOR THE ISSUANCE OF BONDS IN THE NAME OF THE STATE OF MONTANA AS EVIDENCE OF SUCH INDEBTEDNESS, AND FOR THE SALE THEREOF, PRESCRIBING THE FORM OF SUCH BONDS AND FOR A LEVY OF AN ANNUAL TAX SUFFICIENT TO PAY THE PRINCIPAL THEREOF AND THE INTEREST ACCRUING THEREON, PROVIDING FOR A REFERENDUM OF THIS ACT, DESCRIBING THE FORM OF BALLOTS TO BE USED AND THE DUTIES OF THE SECRETARY OF STATE OF THE STATE OF MONTANA RELATIVE TO THE SUBMISSION OF THIS ACT TO THE QUALIFIED ELECTORS OF THE STATE, AND PROVIDING WHEN THIS ACT SHALL TAKE EFFECT."

Below the said title of the act on said ballot there shall be printed the words and squares:

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For the bond issue.

☐ "For the bond issue for the University of Montana building bonds for constructing and equipping necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the University of Montana, consisting of the six (6) units now existing as well as the experiment stations for agriculture, engineering, forestry, and mining, and the agricultural extension service.

Against the bond issue.

☐ Against the bond issue for the University of Montana building bonds for constructing and equipping necessary buildings, other permanent improvements, acquisition of necessary grounds therefor, in and about the University of Montana, consisting of the six (6) units now existing as well as the experiment stations for agriculture, engineering, forestry, and mining, and the agricultural extension service."

Each qualified elector shall designate his preference by marking an "X" in the square before the proposition for which such elector desires to vote. The votes cast for and against the law above proposed shall be counted, returned and canvassed and the results shall be determined and declared in the manner provided by the general election laws of the state and the laws of this state relating to referendum elections.

Approved March 9, 1957.

CHAPTER 198

An Act to Amend Section 60-145, Revised Codes of Montana, 1947, Relating to Privilege and License Tax, Quarterly Statements, Penalties — Drilling Permit Fees — Oil and Gas Conservation Fund; Defining the Word "Lease" Used Therein; Declaring Leases Owned or Operated by One Lessee Which Are Affected by One Particular Unit Agreement Shall be Considered as One Lease Relative to Payments to be Made Under This Section; Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amending clause.

Section 1. That section 60-145, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Privilege and license tax to finance this act.

"60-145. **Privilege and License Tax, Quarterly Statements, Penalties — Drilling Permit Fees — Oil and Gas Conservation Fund.**

"A. For the purpose of providing funds for defraying the expenses of the operation and enforcement of this act, and the expenses of said commission, the operators and producers of oil and gas shall be required to pay, *and they will pay,* the following schedule of assessments on each and every barrel of crude petroleum originally produced, saved and marketed or stored within the State of Montana, or exported from the State of Montana, to-wit: *(1)* On leases on which wells are producing an average of twenty-five (25) barrels per day, or less, one-fourth of one cent (¼¢) *per barrel*; *(2)* On leases on which wells are producing an average of more than twenty-five (25) barrels per day, one-half of one cent (½¢) *per barrel; (3)* And, on wells producing, saving and marketing, storing, or exporting natural gas, said operators and producers shall pay one (1) mill per ten thousand (10,000) cubic feet. Such payments shall be made during the time said commission is in existence. Producers thereof shall make such payment on each and every barrel of crude petroleum and each ten thousand (10,000) cubic feet of natural gas produced for themselves, as well as for others, including royalty holders and shall be reimbursed for such payments made on crude oil and natural gas produced for others in the same manner as they are reimbursed for net proceeds tax paid on crude petroleum or natural gas produced for others as provided for in section 84-5409, *Revised Codes of Montana, 1947.*

Reimbursement for payments made on crude oil and natural gas produced for others per section 84-5409, R.C.M., 1947.

"Lease" defined.

"For the purposes of this section, a 'lease' shall mean that particularly described tract of land contained in a contract in writing, under seal, whereby a person having a legal estate in the land so described conveys a portion of his interest to another, in consideration of a certain rental or other recompense or consideration. Further, for the purposes of this section, leases owned or operated by one lessee which in whole or in part cover or affect an underground reservoir containing a common accumulation of crude petroleum oil or natural gas, or both, or

Construction, one lease.

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which are encompassed within or affected by one particular unit agreement shall be considered as one lease relative to payments to be made under this section.

Drilling permit—fee.

"In addition to the above-mentioned privilege and license tax, any person, before commencing the drilling of any oil or gas well, shall secure from the commission a drilling permit and shall pay to the commission therefor the following amounts; for each well whose estimated depth is thirty-five hundred (3500) feet or less, twenty-five dollars ($25.00); from thirty-five hundred and one (3501) feet to seven thousand (7,000) feet, seventy-five dollars ($75.00); seven thousand (7,000) feet and deeper, one hundred fifty dollars ($150.00).

Quarterly reports to treasurer and commission.

"B. Each producer of crude petroleum in the State of Montana shall, not later than the last day of each of the calendar months of January, April, July and October, of each and every calendar year, render a true statement to the state treasurer of the State of Montana, and a duplicate thereof to the commission, duly signed and sworn to, of all crude petroleum produced by him in this state during the preceding three (3) calendar months, and containing such other information as the commission may require, and shall accompany such statement with the payment to the state treasurer of the assessment provided for in *subsection A. of this section, above,* for the period covered by such statement. Each producer of natural gas in the State of Montana shall render like statements to the state treasurer of all natural gas produced by him in this state, and shall make payment of the assessment provided for in *said subsection A., of this section, above,* at such times and for such periods as may be prescribed by regulation of the commission. Any producer carrying on business at more than one (1) place or location in this state may include all such places of business in one (1) statement.

Payment with report.

Penalty for delinquent payment.

"C. Any such assessment not paid within the time herein specified shall be delinquent, and a penalty of twenty-five per cent (25%) thereof shall be added thereto and the whole thereof shall bear interest at the rate of one per cent (1%) per month from the date of delinquency until paid. Upon request of the commission it shall be the duty of the attorney general to commence and prosecute to final determination in any court of

Duty of attorney general.

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competent jurisdiction an action at law to collect the same.

Oil and gas conservation fund.

"D. All money collected under the provisions of this act shall be deposited in a special fund to be known as the 'oil and gas conservation fund' by the state treasurer of the State of Montana, and the fund to be raised shall be used for the purpose of paying all expenses of said commission and for no other purpose; all monies from this fund shall be used by said commission subject to the approval of the controller and biennial appropriations by the legislative assembly. Upon the termination of said commission any balance remaining in said fund shall be paid over to the general fund of the state. All accounts and expenditures of said commission shall be certified by the commission, approved by the board of examiners, and paid by the state treasurer upon warrants drawn by the state auditor out of the oil and gas conservation fund.

How money in fund expended.

Secretary and employees, limitation on expenditures.

"E. The commission may appoint a secretary and employ such other persons as experts, assistants, clerks, and stenographers, as may be deemed necessary to perform the duties that may be required of it, and fix their compensation; provided, however, that the total expenditures of such commission shall not exceed in the aggregate during any fiscal year, the amount actually collected under the provisions of *subsection A. of this section, above,* plus any amount appropriated for that purpose, or otherwise accruing to said fund. The members of the commission shall be allowed their several expenses incurred in the discharge of their duties, *as is elsewhere provided in this act.*"

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1957.

CHAPTER 199

An Act to Amend Section 16-2414 (4736), Revised Codes of Montana, 1947, as Amended by Chapter 108, Laws of 1949, Relating to the Hours When Cer-

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tain County Officers Shall Keep Their Offices Open, to Provide Such Offices May be Closed on Saturdays, Repealing All Acts or Parts of Acts in Conflict Herewith, and Making This Act Effective Upon Its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That Section 16-2414 (4736), Revised Codes of Montana, 1947, as amended by chapter 108, laws of 1949, be, and the same is hereby amended to read as follows:

What offices to be kept open at county seat, hours, days.

"16-2414. (4736) **What Offices to be Kept Open at County Seat.** The sheriff, the county clerk, the clerk of the district court, the treasurer, and county attorney, the county auditor in counties where such officer is maintained and the county assessor must keep their offices open for the transaction of business from *8:00* o'clock A.M. until 5 o'clock P.M. continuously every day in the year except holidays and *Saturdays,* provided however, *that* the said offices enumerated herein shall be kept open on *Saturdays* and on holidays and at other times when the business of said offices requires them to be kept open.

Saturdays and holidays excluded—exception.

County superintendent of schools.

"The county superintendent of schools shall keep his office open *from 8:00 o'clock A.M. until 5 o'clock P.M.* every day when he is not engaged in the supervision of schools except on holidays and *on Saturdays,* provided that when the county superintendent has a deputy or clerk the office shall be kept open *from 8:00 o'clock A.M. until 5 o'clock P.M.* every day except holidays and except *Saturdays. Said office shall be kept open at all times as business may require.*

Not applicable to counties under county manager.

"This act shall not apply to counties operating under the county manager plan."

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1957.

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CHAPTER 200

An Act to Amend the Following Sections of the Revised Codes of Montana, 1947: Sections 16-1203, 16-1204, 16-1205, 16-1208, 16-1210, 16-1212, 16-1213, 16-1214, 16-1217, 16-1219, as Amended by Chapter 138 of the Thirty-second Legislative Assembly of the State of Montana, 1951, Relating to Contracts for Public Printing and Fixing the Prices Therefor, and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 16-1203 of the Revised Codes of Montana, 1947, as amended by section 3 of chapter 138 of the laws of 1951, be, and the same is hereby amended to read as follows: Amending clause.

"16-1203. **Envelopes.** Envelopes.

	500	1000	Add'l. 1000
White Wove 6¾-24 Grade *400*	*$ 9.45*	*$13.50*	*$ 7.75*
6¾-28 Grade *450*	*9.75*	*14.10*	*8.40*
10-24 Grade *600*	*10.70*	*16.05*	*10.35*
10-28 Grade *700*	*11.35*	*17.35*	*11.60*
White Bond 6¾-20 Grade *400*	*9.45*	*13.50*	*7.75*
10-20 Grade *600*	*10.70*	*16.05*	*10.35*
Manila or Kraft			
6¾-20 Grade *400*	*8.80*	*12.20*	*6.80*
10-28 Grade *700*	*10.10*	*14.75*	*9.40*
12-28 Grade *1000*	*11.35*	*17.35*	*11.95*"

Section 2. That section 16-1204 of the Revised Codes of Montana, 1947, as amended by section 4 of chapter 138 of the laws of 1951, be, and the same is hereby amended to read as follows: Amending clause.

"16-1204. **Letterheads.** Letterheads.

	250	500	1000	Add'l. 1000
8½x7-16 or 20, Grade *35*	*$10.25*	*$12.05*	*$15.10*	*$ 6.25*
8½x7-16 or 20, Grade *60*	*10.75*	*13.10*	*17.15*	*8.15*
8½x11-16 or 20, Grade *35*	*11.25*	*13.15*	*16.95*	*7.40*
8½x11-16 or 20, Grade *60*	*12.50*	*14.75*	*20.20*	*10.00*"

Section 3. That section 16-1205 of the Revised Codes of Montana, 1947, as amended by section 5 of chapter 138 of the laws of 1951, be, and the same is hereby amended to read as follows: Amending clause.

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Legal blanks.

"16-1205. **Legal Blanks.**

	250	500	1000	Add'l. 1000
7x8½, printed one side	*$11.00*	*$12.95*	*$16.20*	*$ 8.55*
7x8½, printed two sides	17.00	*19.30*	*23.10*	*9.10*
8½x14, printed one side	*16.40*	*19.15*	*24.10*	*10.00*
8½x14, printed two sides	*22.90*	*26.05*	*31.60*	*11.10*
8½x28, printed one side	*33.30*	*38.20*	*47.60*	*18.75*
8½x28, printed two sides	*44.40*	*49.60*	*59.20*	*22.20*"

Amending clause.

Section 4. That section 16-1208 of the Revised Codes of Montana, 1947, as amended by section 7 of chapter 138 of the laws of 1951, be, and the same is hereby amended to read as follows:

Tax receipts in quintuple and more or less copies.

"16-1208. **Tax Receipts in Quintuple and More or Less Copies.** Perforated, gathered, numbered, different color paper for each sheet, bound in books of 50 sets each complete.

	500 or Less	1000	2000	3000	Add'l. 1000
Size 8½x11	*$57.65*	*$85.20*	*$141.75*	*$194.25*	*$55.10*
If additional sheet, add	*4.15*	*7.55*	*13.05*	*18.55*	*5.50*
Add for extra color	*3.40*	*7.65*	*10.00*	*13.40*	*3.40*
If statement printed on other side add	*5.05*	*9.65*	*13.05*	*16.50*	*3.40*
Size 9¼x11⅞ or 8½x14	*67.20*	*98.00*	*160.10*	*221.60*	*61.60*
If additional sheet add	*5.50*	*8.90*	*14.40*	*20.60*	*6.55*
Add for extra color	*4.15*	*7.20*	*10.65*	*14.05*	*3.40*
If statement printed on other side add ..	*6.90*	*10.35*	*13.75*	*17.15*	*3.40*
Size 10¾x16¾ or 11x17	*87.90*	*125.45*	*202.60*	*277.90*	*75.30*
If additional sheet add	*7.20*	*11.60*	*18.15*	*27.25*	*8.15*
Add for extra color	*4.85*	*7.90*	*11.35*	*14.20*	*4.15*
If statement printed on back add	*7.60*	*11.00*	*13.85*	*17.85*	*4.15*

More than five copies.

"To ascertain price on more than five (5) copies (quintuple) add for each additional sheet: for less than five (5) copies, deduct for each sheet at rate set forth above for sizes specified."

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Amending clause.

Section 5. That section 16-1210 of the Revised Codes of Montana, 1947, as amended by section 10 of chapter 138 of the laws of 1951, be, and the same is hereby amended to read as follows:

Imprinting on government stationery, stock furnished.

"16-1210. **Imprinting Corner Cards on Government Stamped Envelopes and Printing Post Cards, Stock Furnished.**

	500	1000	2000	3000	Add'l. 1000
Envelopes	*$ 6.85*	*$ 8.35*	*$11.25*	*$14.10*	*$ 3.85*
Post Cards, 1 side printed	*7.65*	*9.55*	*13.45*	*17.35*	*3.75*
Both sides printed	*13.25*	*17.30*	*24.70*	*32.10*	*7.25"*

Amending clause.

Section 6. That section 16-1212 of the Revised Codes of Montana, 1947, as amended by section 12 of chapter 138 of the laws of 1951, be, and the same is hereby amended to read as follows:

Special ruled and printed forms.

"16-1212. **Special Ruled and Printed Forms.** Prices apply to both sides ruled different with deductions for ruling and printing the same both sides or ruled and printed one side only. Prices include punching for loose leaf holders with rings or posts and green edging of sheets. Numbering of guide lines printed along binding edge of sheet, add one dollar and fifty cents ($1.50) for each guide line.

8½x11 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$ 37.35*	*$ 44.05*	*$ 55.75*	*$ 19.40*
Grade *60*-32 Sub.	*37.65*	*44.75*	*57.10*	*22.55*
Grade *110*-36 Sub.	*40.45*	*50.45*	*68.35*	*33.85*
Deduct if both sides alike	*6.05*	*5.95*	*5.80*	*.30*
Deduct if printed and ruled 1 side only	*9.35*	*10.30*	*12.10*	*3.00*

8½x14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$ 43.45*	*$ 50.75*	*$ 63.95*	*$ 24.00*
Grade *60*-32 Sub.	*43.90*	*51.55*	*65.60*	*25.80*
Grade *110*-36 Sub.	*47.40*	*58.80*	*79.85*	*40.10*

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Special ruled and printed forms.

Deduct if both sides ruled and printed alike	*8.80*	*8.70*	*8.50*	*.30*
Deduct if ruled and printed, 1 side only	*11.20*	*12.10*	*13.90*	*3.35*

9¼x17 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$ 48.30*	*$ 57.20*	*$ 73.30*	*$ 31.70*
Grade *60*-32 Sub.	*48.95*	*58.35*	*75.70*	*31.15*
Grade *110*-36 Sub.	*54.10*	*68.35*	*95.40*	*53.05*
Deduct if both sides ruled and printed alike	*8.80*	*8.70*	*8.50*	*.30*
Deduct if ruled and printed 1 side only ..	*11.20*	*12.10*	*13.90*	*3.35*

9½x12 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$ 39.30*	*$ 46.60*	*$ 59.80*	*$ 23.40*
Grade *60*-32 Sub.	*39.65*	*47.45*	*61.50*	*25.00*
Grade *110*-36 Sub.	*43.15*	*54.35*	*75.25*	*38.90*
Deduct if both sides ruled and printed alike	*6.65*	*6.55*	*6.40*	*.30*
Deduct if ruled and printed, 1 side only ..	*9.70*	*10.60*	*12.40*	*3.00*

9½x24 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$ 66.00*	*$ 77.75*	*$100.75*	*$ 41.70*
Grade *60*-32 Sub.	*66.85*	*79.50*	*102.70*	*45.05*
Grade *110*-36 Sub.	*73.80*	*93.25*	*130.20*	*72.60*
Deduct if both sides ruled and printed alike	*13.70*	*13.45*	*13.20*	*.30*
Deduct if ruled and printed, 1 side only ..	*16.70*	*17.90*	*20.30*	*6.70*

10½x16 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$ 53.40*	*$ 63.25*	*$ 81.10*	*$ 33.25*

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Special ruled and printed forms.

Grade *60*-32 Sub.	*54.15*	*64.40*	*83.60*	*35.75*
Grade *110*-36 Sub.	*59.30*	*74.60*	*103.80*	*52.25*
Deduct if both sides ruled and printed alike	*10.60*	*10.50*	*10.30*	*.60*
Deduct if ruled and printed, 1 side only	*13.00*	*14.20*	*16.40*	*3.30*

11x14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	$ *46.40*	$ *55.35*	$ *71.40*	$ *31.60*
Grade *60*-32 Sub.	*57.05*	*56.55*	*73.90*	*33.90*
Grade *110*-36 Sub.	*52.15*	*66.50*	*93.55*	*53.00*
Deduct if both sides ruled and printed alike	*8.20*	*8.10*	*7.20*	*.30*
Deduct if ruled and printed, 1 side only ..	*9.70*	*10.60*	*12.40*	*3.35*

11x17 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	$ *56.05*	$ *66.00*	$ *84.90*	$ *31.10*
Grade *60*-32 Sub.	*56.80*	*67.40*	*87.75*	*38.20*
Grade *110*-36 Sub.	*62.30*	*78.60*	*110.20*	*60.60*
Deduct if both sides ruled and printed alike	*11.30*	*11.15*	*11.00*	*.60*
Deduct if ruled and printed, 1 side only ..	*13.70*	*14.90*	*17.00*	*3.65*

11¼x24½ TOTAL OF 16 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	$ *74.40*	$ *88.00*	$*113.30*	$ *46.40*
Grade *60*-32 Sub.	*75.55*	*90.10*	*117.50*	*50.55*
Grade *110*-36 Sub.	*83.95*	*107.00*	*151.20*	*84.25*
Deduct if both sides ruled and printed alike	*15.20*	*15.00*	*14.75*	*.60*
Deduct if ruled and printed, 1 side only ..	*17.90*	*19.40*	*21.85*	*3.65*

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Special ruled and printed forms.

12x9½ TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	$ *37.95*	$ *45.25*	$ *58.40*	$ *23.50*
Grade *60*-32 Sub.	*38.30*	*46.10*	*60.15*	*25.20*
Grade *110*-36 Sub.	*41.55*	*53.00*	*73.90*	*38.95*
Deduct if both sides ruled and printed alike	*6.40*	*6.30*	*6.20*	*.30*
Deduct if ruled and printed, 1 side only ..	*9.45*	*10.30*	*12.10*	*3.05*

12x19 TOTAL OF 14 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	$ *62.70*	$ *74.55*	$ *96.10*	$ *39.90*
Grade *60*-32 Sub.	*63.60*	*76.20*	*99.45*	*45.30*
Grade *110*-36 Sub.	*70.50*	*89.95*	*127.00*	*70.80*
Deduct if both sides ruled and printed alike	*13.10*	*12.90*	*12.60*	*.30*
Deduct if ruled and printed, 1 side only ..	*16.10*	*17.30*	*19.70*	*3.35*

12x23 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	$ *73.45*	$ *87.00*	$*112.00*	$ *46.00*
Grade *60*-32 Sub.	*74.60*	*89.20*	*116.25*	*50.20*
Grade *110*-36 Sub.	*83.05*	*97.40*	*149.65*	*83.60*
Deduct if both sides ruled and printed alike	*14.95*	*14.75*	*14.50*	*.60*
Deduct if ruled and printed, 1 side only ..	*17.30*	*18.80*	*21.25*	*3.65*

12x28 TOTAL OF 18 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	$ *94.75*	$*113.50*	$*146.10*	$ *60.60*
Grade *60*-32 Sub.	*96.00*	*116.00*	*151.20*	*65.90*
Grade *110*-36 Sub.	*106.45*	*136.90*	*193.05*	*107.60*
Deduct if both sides ruled and printed alike	*23.10*	*22.90*	*22.70*	*.60*

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Special ruled and printed forms.

Deduct if ruled and printed, 1 side only ..	*24.10*	*25.45*	*28.80*	*5.70*

14x17 TOTAL OF 12 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	$ *61.65*	$ *72.30*	$ *94.80*	$ *40.05*
Grade *60*-32 Sub.	*62.40*	*74.90*	*98.30*	*43.65*
Grade *110*-36 Sub.	*69.75*	*89.25*	*127.15*	*72.10*
Deduct if both sides ruled and printed alike	*12.80*	*12.60*	*12.35*	*.30*
Deduct if ruled and printed, 1 side only ..	*14.65*	*16.10*	*18.50*	*3.35*

14x22 TOTAL OF 14 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	$ *77.50*	$ *92.20*	$*119.95*	$ *53.75*
Grade *60*-32 Sub.	*78.85*	*94.60*	*124.90*	*58.65*
Grade *110*-36 Sub.	*88.50*	*114.10*	*163.60*	*97.35*
Deduct if both sides ruled and printed alike	*18.00*	*17.90*	*17.65*	*.60*
Deduct if ruled and printed, 1 side only ..	*19.45*	*21.30*	*24.00*	*4.50*

14x34 TOTAL OF 20 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	$*111.75*	$*131.90*	$*170.35*	$ *74.85*
Grade *60*-32 Sub.	*113.55*	*135.45*	*177.45*	*81.80*
Grade *110*-36 Sub.	*127.95*	*163.90*	*234.40*	*138.85*
Deduct if both sides ruled and printed alike	*26.70*	*26.50*	*26.30*	*.60*
Deduct if ruled and printed, 1 side only	*28.50*	*30.30*	*33.60*	*5.75*

17x11 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	$ *51.25*	$ *60.50*	$ *79.30*	$ *34.95*
Grade *60*-32 Sub.	*52.10*	*62.30*	*82.10*	*37.75*

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Special ruled and printed forms.

Grade *110*-36 Sub.	*57.60*	*73.45*	*104.55*	*60.20*
Deduct if both sides ruled and printed alike	*10.70*	*10.55*	*10.40*	*.30*
Deduct if ruled and printed, 1 side only ..	*12.40*	*13.60*	*15.80*	*3.30*

17x14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$ 57.90*	*$ 69.40*	*$ 90.50*	*$ 39.70*
Grade *60*-32 Sub.	*58.70*	*71.05*	*94.00*	*43.30*
Grade *110*-36 Sub.	*65.90*	*84.85*	*122.85*	*71.70*
Deduct if both sides ruled and printed alike	*12.50*	*12.30*	*12.05*	*.30*
Deduct if ruled and printed, 1 side only ..	*13.70*	*14.90*	*17.30*	*3.35*

17x22 TOTAL OF 14 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$ 81.90*	*$ 97.80*	*$128.25*	*$ 59.00*
Grade *60*-32 Sub.	*83.30*	*100.70*	*133.90*	*64.60*
Grade *110*-36 Sub.	*94.60*	*123.15*	*178.80*	*119.50*
Deduct if both sides ruled and printed alike	*18.85*	*18.70*	*18.55*	*.60*
Deduct if ruled and printed, 1 side only ..	*21.25*	*23.05*	*25.80*	*4.50*

17x28 TOTAL OF 18 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$102.00*	*$123.85*	*$162.85*	*$ 74.20*
Grade *60*-32 Sub.	*103.65*	*127.40*	*169.95*	*81.15*
Grade *110*-36 Sub.	*118.05*	*155.85*	*226.90*	*138.20*
Deduct if both sides ruled and printed alike	*24.30*	*24.10*	*23.90*	*.60*
Deduct if ruled and printed, 1 side only ..	*26.10*	*27.90*	*31.20*	*5.75*

17x46 TOTAL OF 28 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$161.90*	*$202.05*	*$269.40*	*$119.65*

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Special ruled and printed forms.

Grade *60*-32 Sub.	*164.65*	*207.85*	*277.70*	*131.05*
Grade *110*-36 Sub.	*188.80*	*254.25*	*371.40*	*224.05*
Deduct if both sides ruled and printed alike	*40.75*	*40.30*	*39.85*	*.90*
Deduct if ruled and printed, 1 side only ..	*40.60*	*42.40*	*47.40*	*9.40*

18x11½ TOTAL OF 8 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$ 56.50*	*$ 67.70*	*$ 87.90*	*$ 37.45*
Grade *60*-32 Sub.	*52.30*	*69.25*	*91.05*	*40.60*
Grade *110*-36 Sub.	*68.00*	*81.75*	*115.95*	*65.40*
Deduct if both sides ruled and printed alike	*11.60*	*11.40*	*11.05*	*.30*
Deduct if ruled and printed, 1 side only ..	*14.00*	*15.50*	*17.30*	*3.35*

18x23 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$ 94.45*	*$114.85*	*$150.90*	*$ 67.70*
Grade *60*-32 Sub.	*95.90*	*118.00*	*157.30*	*73.85*
Grade *110*-36 Sub.	*108.45*	*142.90*	*207.10*	*123.85*
Deduct if both sides ruled and printed alike	*23.70*	*23.50*	*23.30*	*.60*
Deduct if ruled and printed, 1 side only ..	*24.90*	*26.70*	*30.00*	*5.75*

18x46 TOTAL OF 32 UNIT COLUMNS, BOTH SIDES

Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$170.30*	*$209.10*	*$276.60*	*$127.95*
Grade *60*-32 Sub.	*173.50*	*215.30*	*289.90*	*140.70*
Grade *110*-36 Sub.	*198.00*	*264.70*	*389.25*	*240.55*
Deduct if both sides ruled and printed alike	*47.70*	*47.60*	*47.50*	*1.20*
Deduct if ruled and printed, 1 side only ..	*46.70*	*48.80*	*55.50*	*10.75*

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Special ruled and printed forms.

19x12 TOTAL OF 8 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub	*$ 59.00*	*$ 70.70*	*$ 94.60*	*$ 39.90*
Grade *60*-32 Sub.	*59.85*	*72.40*	*95.55*	*43.30*
Grade *110*-36 Sub.	*66.75*	*86.20*	*123.15*	*70.80*
Deduct if both sides ruled and printed alike	*11.90*	*11.70*	*11.35*	*.30*
Deduct if ruled and printed, 1 side only ..	*14.60*	*16.10*	*17.90*	*3.35*

19x24 TOTAL OF 16 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$ 99.60*	*$121.10*	*$159.45*	*$ 72.15*
Grade *60*-32 Sub.	*101.30*	*124.50*	*166.20*	*78.90*
Grade *110*-36 Sub.	*115.10*	*152.00*	*221.20*	*133.65*
Deduct if both sides ruled and printed alike	*24.00*	*23.80*	*23.60*	*.60*
Deduct if ruled and printed, 1 side only ..	*25.50*	*27.30*	*30.60*	*5.75*

20x14 TOTAL OF 10 UNIT COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$ 68.85*	*$ 82.40*	*$108.15*	*$ 48.00*
Grade *60*-32 Sub.	*69.85*	*84.50*	*112.35*	*53.35*
Grade *110*-36 Sub.	*78.10*	*101.50*	*146.05*	*87.10*
Deduct if both sides ruled and printed alike	*16.15*	*16.00*	*15.85*	*.30*
Deduct if ruled and printed, 1 side only ..	*16.40*	*17.00*	*19.70*	*4.55*

20x28 TOTAL OF 18 COLUMNS, BOTH SIDES
Extra Unit Columns *85* cents each

	250	500	1000	Add'l. 1000
Grade *60*-28 Sub.	*$114.85*	*$137.10*	*$180.70*	*$ 83.85*
Grade *60*-32 Sub.	*116.95*	*141.40*	*189.45*	*92.20*
Grade *110*-36 Sub.	*133.90*	*175.05*	*256.45*	*159.55*
Deduct if both sides ruled and printed alike	*26.10*	*25.90*	*25.70*	*.60*

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Special ruled and printed forms.

Deduct if ruled and printed, 1 side only ..	*27.30*	*29.10*	*32.40*	*5.75*"

Amending clause.

Section 7. That section 16-1213 of the Revised Codes of Montana, 1947, as amended by section 13 of chapter 138 of the laws of 1951, be, and the same is hereby amended to read as follows:

Bound books.

"16-1213. **Bound Books.**

"Bound books, ruled, printed and paged on 36 sub. No. 1, 100% rag ledger. Patent back, flat opening. Complete, including lettering back or side title.

"The first dimension listed is the binding margin. When greater or intermediate lengths of sheets are furnished with a binding size as listed, the difference between two given lengths is added or subtracted in the correct proportion to either of the given lengths to cover the length of sheet actually furnished. When an intermediate binding size is furnished, the next larger binding size shall be used.

SIZE 10½x16 — 7 UNIT COLUMNS TO PAGE

Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 82.55*	*$ 88.65*	*$ 95.05*	*$ 97.95*	*$104.40*
¾ Russia, Printed Page	*92.15*	*98.15*	*104.15*	*105.05*	*114.00*
Full Russia, Printed Head	*95.30*	*101.35*	*107.75*	*111.60*	*117.25*
Full Russia, Printed Page	*104.95*	*110.90*	*117.45*	*121.30*	*126.80*

Add for folio printed head *$11.20*
Add for folio printed page *$20.75*
Add for each printed guide line *$1.95*
Add for index ruled *$8.85*
Add for index through book *$3.40*

SIZE 11½x18—8 UNIT COLUMNS TO PAGE

Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 89.95*	*$ 96.00*	*$102.65*	*$106.15*	*$112.20*
¾ Russia, Printed Page	*101.65*	*107.75*	*114.25*	*117.85*	*123.90*

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Bound books.

Full Russia,
Printed Head *102.20 108.15 114.60 118.45 123.95*
Full Russia,
Printed Page *113.85 119.85 126.20 130.15 134.30*
Add for folio printed head *$11.70*
Add for folio printed page *$23.35*
Add for each printed guide line *$1.95*
Add for index ruled *$8.85*
Add for index through book *$3.55*

SIZE 12x19 OR 14x17—8 UNIT COLUMNS TO PAGE
Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 92.35*	*$ 98.60*	*$105.15*	*$108.75*	*114.75*
¾ Russia, Printed Page	*105.55*	*111.80*	*118.30*	*121.95*	*128.00*
Full Russia, Printed Head	*104.75*	*111.10*	*117.65*	*121.60*	*127.25*
Full Russia, Printed Page	*117.90*	*124.15*	*130.80*	*134.80*	*140.40*

Add for folio printed head *$12.15*
Add for folio printed page *$25.35*
Add for each printed guide line *$1.95*
Add for index ruled *$8.85*
Add for index through book *$3.55*

SIZE 14x8½—5 UNIT COLUMNS TO PAGE
Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 75.65*	*$ 81.55*	*$ 88.45*	*$ 91.70*	*$ 97.65*
¾ Russia, Printed Page	*89.35*	*95.20*	*102.10*	*105.45*	*111.15*
Full Russia, Printed Head	*85.55*	*91.30*	*98.15*	*101.70*	*107.20*
Full Russia, Printed Page	*101.90*	*105.05*	*111.85*	*115.45*	*121.50*

Add for folio printed head *$8.60*
Add for folio printed page *$22.75*
Add for each printed guide line *$1.95*
Add for index ruled *$8.85*
Add for index through book *$3.40*

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Bound books.

SIZE 14x20—8 UNIT COLUMNS TO PAGE

Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 96.65*	*$103.10*	*$110.65*	*$113.90*	*$120.90*
¾ Russia, Printed Page	*111.85*	*118.30*	*125.85*	*129.10*	*136.10*
Full Russia, Printed Head	*111.15*	*117.45*	*124.75*	*128.75*	*134.60*
Full Russia, Printed Page	*126.25*	*132.60*	*139.95*	*143.85*	*149.90*

Add for folio printed head *$12.60*
Add for folio printed page *$27.95*
Add for each printed guide line *$1.95*
Add for index ruled *$9.35*
Add for index through book *$3.55*

SIZE 16x10½—5 UNIT COLUMNS TO PAGE

Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 89.10*	*$ 91.90*	*$100.65*	*$104.50*	*$108.15*
¾ Russia, Printed Page	*99.40*	*107.20*	*115.95*	*119.85*	*127.60*
Full Russia, Printed Head	*96.70*	*104.45*	*113.15*	*118.45*	*124.75*
Full Russia, Printed Page	*111.95*	*119.65*	*128.35*	*133.70*	*139.95*

Add for folio printed head *$10.60*
Add for folio printed page *$25.85*
Add for each printed guide line *$1.95*
Add for index ruled *$9.35*
Add for index through book *$3.55*

SIZE 16x21—8 UNIT COLUMNS TO PAGE

Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$113.10*	*$123.25*	*$134.30*	*$139.50*	*$150.55*
¾ Russia, Printed Page	*131.35*	*141.50*	*152.55*	*157.70*	*168.80*
Full Russia, Printed Head	*130.60*	*140.65*	*151.70*	*159.75*	*167.70*
Full Russia, Printed Page	*148.85*	*158.85*	*169.90*	*177.95*	*185.95*

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Bound books.

Add for folio printed head *$13.20*
Add for folio printed page *$31.45*
Add for each printed guide line *$1.95*
Add for index ruled *$9.80*
Add for index through book *$3.75*

SIZE 17x14 OR 19x12—6 UNIT COLUMNS TO PAGE

Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 91.95*	*$ 99.85*	*$108.80*	*$112.75*	*$121.70*
¾ Russia, Printed Page	*110.25*	*118.10*	*127.05*	*131.05*	*139.95*
Full Russia, Printed Head	*104.20*	*112.10*	*121.00*	*127.60*	*133.90*
Full Russia, Printed Page	*122.45*	*123.85*	*139.30*	*145.85*	*152.15*

Add for folio printed head *$11.70*
Add for folio printed page *$30.10*
Add for each printed guide line *$1.95*
Add for index ruled *$9.35*
Add for index through book *$3.55*

SIZE 17x28—10 UNIT COLUMNS TO PAGE

Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$135.40*	*$146.30*	*$158.30*	*$163.80*	*$171.70*
¾ Russia, Printed Page	*157.70*	*168.60*	*180.55*	*186.10*	*198.00*
Full Russia, Printed Head	*154.50*	*165.25*	*177.45*	*186.15*	*194.95*
Full Russia, Printed Page	*176.80*	*187.85*	*199.75*	*208.50*	*217.20*

Add for folio printed head *$14.15*
Add for folio printed page *$36.55*
Add for each printed guide line *$1.95*
Add for index ruled *$9.80*
Add for index through book *$4.00*

SIZE 18x11½—5 UNIT COLUMNS TO PAGE

Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$ 90.15*	*$ 98.00*	*$107.00*	*$110.45*	*$124.95*

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Bound books.

¾ Russia,
Printed Page *107.90 115.85 124.40 128.20 137.55*
Full Russia,
Printed Head *102.10 109.90 118.65 124.95 131.15*
Full Russia,
Printed Page *119.90 127.65 136.35 142.70 149.00*
Add for folio printed head *$11.15*
Add for folio printed page *$28.85*
Add for each printed guide line *$1.95*
Add for index ruled *$9.35*
Add for index through book *$3.35*

SIZE 18x23—8 UNIT COLUMNS TO PAGE

Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$122.45*	*$132.85*	*$144.75*	*$149.40*	*$160.70*
¾ Russia, Printed Page	*144.00*	*154.40*	*165.70*	*170.80*	*182.20*
Full Russia, Printed Head	*141.85*	*152.10*	*163.50*	*171.65*	*179.80*
Full Russia, Printed Page	*164.60*	*173.60*	*184.95*	*193.10*	*201.25*

Add for folio printed head *$13.70*
Add for folio printed page *$34.95*
Add for each printed guide line *$1.95*
Add for index ruled *$9.80*
Add for index through book *$3.90*

SIZE 19x24—8 UNIT COLUMNS TO PAGE

Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$127.25*	*$137.75*	*$149.25*	*$154.40*	*$165.60*
¾ Russia, Printed Page	*150.00*	*160.55*	*172.00*	*177.80*	*162.50*
Full Russia, Printed Head	*146.50*	*157.10*	*170.55*	*177.60*	*185.20*
Full Russia, Printed Page	*169.35*	*179.80*	*191.35*	*199.70*	*207.95*

Add for folio printed head *$14.70*
Add for folio printed page *$37.50*
Add for each printed guide line $1.95
Add for index ruled *$9.80*
Add for index through book *$4.00*

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Bound books.

SIZE 21x16—7 UNIT COLUMNS TO PAGE

Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$108.40*	*$118.30*	*$129.35*	*$134.25*	*$145.20*
¾ Russia, Printed Page	*130.20*	*140.15*	*151.05*	*156.05*	*167.00*
Full Russia, Printed Head	*125.85*	*135.60*	*146.25*	*154.10*	*161.90*
Full Russia, Printed Page	*147.55*	*157.45*	*168.15*	*175.95*	*183.75*

Add for folio printed head *$12.60*
Add for folio printed page *$34.45*
Add for each printed guide line *$1.95*
Add for index ruled *$10.40*
Add for index through book *$4.05*

SIZE 28x17—7 UNIT COLUMNS TO PAGE

Extra Unit Columns *85* cents each

No. Pages	300	400	500	560	640
¾ Russia, Printed Head	*$124.00*	*$134.30*	*$146.25*	*$150.25*	*$161.45*
¾ Russia, Printed Page	*154.45*	*164.70*	*176.65*	*180.75*	*191.90*
Full Russia, Printed Head	*143.20*	*153.65*	*165.50*	*170.15*	*181.80*
Full Russia, Printed Page	*173.60*	*184.10*	*195.90*	*200.60*	*212.20*

Add for folio printed head *$13.20*
Add for folio printed page *$43.70*
Add for each printed guide line *$1.95*
Add for index ruled *$10.85*
Add for index through book *$4.00*''

Amending clause.

Section 8. That section 16-1214 of the Revised Codes of Montana, 1947, as amended by section 14 of chapter 138 of the laws of 1951, be, and the same is hereby amended to read as follows:

Record books only.

''16-1214. **Size 18x11½ Record Books Only.**

Loose Leaf Style With Binder

No. Pages	560	640
Marginal record ruled stock form grade *110,* 36 Sub. Full Russia stock ruled not printed	*$ 64.20*	*$ 68.20*

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Full Russia, Printed Head	*71.80*	*76.05*
Full Russia, Printed Page	*91.80*	*91.10*
Add for folio printed head *$4.50*		
Add for folio printed page *$24.50*		
Add for A-Z index *$7.55*		
Loose leaf record binders only, full Russia, letter with back title 7 or 8 quire capacity, each		*$42.50''*

Amending clause.

Section 9. That section 16-1217 of the Revised Codes of Montana, 1947, as amended by section 17 of chapter 138 of the laws of 1951, be, and the same is hereby amended to read as follows:

Stock forms without county name.

''16-1217. **Stock Forms Without County Name.**

Budget form CB-2 — per 100		*$ 7.15*
Budget form CB-3 — per 100		*7.15*
Budget form CB-4 — per 100		*7.35*
Budget form CB-5 — per 100		*8.50*
Budget form CB-6 — per 100		*8.50*
Budget form CB-7 — per 100		*22.00*
Justice Docket, size 320 pages, each		*$30.00*
Report of justice fees received, size 14x17, ruled and printed one side, per 100		7.50
Teachers' registers, six week, each		*$ 1.25*
District school budget applications, form 1	100	*6.50*
	Additional 100	*5.50*
High school budget application sheets	100	*7.00*
	Additional 100	*6.00*
Elementary and high school budget record sheets, ruled and printed one side, size *16 3/4x26*	*50*	*8.50*
	Additional 100	*14.75*
School census reports	per 250	*7.00*
	per 500	*12.00*
Teachers' contracts	per 50	4.00
	per 100	5.50
Trustees' annual reports	per 50	6.00
	per 100	10.00
Teachers' reports	per 250	*10.50*
	per 500	*15.00*
Superintendent's or principal's reports	per 100	5.00
	Additional *per* 100	4.50''

For 1-time Carbon and N.C.R. (carbonized paper forms) see paragraph 2, section 19.

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Amending clause.

Section 10. That section 16-1219 of the Revised Codes of Montana, 1947, as amended by section 19 of chapter 138 of the laws of 1951, be, and the same is hereby amended to read as follows:

Bids, how made—other prices.

"16-1219. **Bids, How Made — Other Prices.** Bids may be made either on the entire act, or bids may be made under each section. If each section is bid upon separately the section must be bid upon in its entirety and not upon individual items in such section.

Other blank book, carbon, carbonized paper and printed forms. Catolog list or authority of board of county commissioners.

"All other blank books, *1-time carbon, carbonized paper,* and *printed forms* not covered herein shall be furnished at prices not in excess of the prices for such work as set forth in the current Franklin Printing Catalog list, *or by authority of the board of county commissioners at the price mutually agreed upon.*"

Repealing clause.

Section 11. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1957.

CHAPTER 201

An Act to Provide for Concurrent Jurisdiction of Municipalities Over Violations Occurring Within the Limits of Municipalities, of Sections 39 and 40 of the Uniform Act Regulating Traffic on Highways, Chapter 263 of the 1955 Session Laws of the State of Montana; Pertaining, Respectively, to Driving While Intoxicated and to Reckless Driving, and to Provide for the Imposition of Fines and Penalties by Municipalities for such Violations; by Amending Section 27 of the Aforesaid Uniform Act, Chapter 263 of the 1955 Session Laws of the State of Montana, Pertaining to Uniformity of Provisions of said Act Throughout this State, Section 28 of said Act Pertaining to Powers of Local Authorities, Section 39 of said Act Pertaining to Driving While Intoxicated, and Section 40 of said Act Pertaining to Reckless Driving; Repealing All Acts or Parts of Acts in Conflict Herewith, and Providing an Effective Date.

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Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 27 of chapter 263 of the 1955 session laws of the State of Montana be, and the same is hereby amended to read as follows:

Provisions of act uniform throughout state.

"Section 27. **Provisions of Act Uniform Throughout State.** The provisions of this act shall be applicable and uniform throughout this state and in all political subdivisions and municipalities therein and no local authority shall enact or enforce any ordinance, rule, or regulations in conflict with the provisions of this act. Local authorities may, however, adopt additional traffic regulations which are not in conflict with the provisions of this act."

Amending clause.

Section 2. That section 28 of chapter 263 of the 1955 session laws of the State of Montana be, and the same is hereby amended to read as follows:

Powers of local authorities.

"Section 28. **Powers of Local Authorities.** (a) The provisions of this act shall not be deemed to prevent local authorities with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power from:

Areas of local authority enumerated.

"1. Regulating the standing or parking of vehicles;

"2. Regulating the traffic by means of police officers or traffic-control devices;

"3. Regulating or prohibiting processions or assemblages on the highways;

"4. Designating particular highways as one-way highways and requiring that all vehicles thereon be moved in one (1) specific direction;

"5. Regulating the speed of vehicles in public parks;

"6. Designating any highway as a through highway and requiring that all the vehicles stop before entering or crossing the same, designating any intersection as a stop intersection, and requiring all vehicles to stop at one or more entrances to such intersections;

"7. Restricting the use of highways as authorized in section 32-1128, Revised Codes of Montana, 1947;

"8. Regulating the operating of bicycles and re-

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quiring the registration and licensing of same, including the requirement of a registration fee;

"9. Regulating or prohibiting the turning of vehicles or specified types of vehicles at intersections;

"10. Altering the speed limits as authorized herein;

Habitual users of drugs.

"11. *Regulating the driving of vehicles by any person who is an habitual user of, or under the influence of, any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle within the incorporated limits of any city or town.*

Influence of liquor.

12. Regulating or prohibiting any person who is under the influence of intoxicating liquor from driving or being in actual physical control of any vehicle within the incorporated limits of any city or town.

Disregard of safety of persons and property.

13. Regulating or prohibiting the driving of vehicles by any person in a willful or wanton disregard for the safety of persons or property within the incorporated limits of any city or town.

Other regulations.

14. Adopting such other traffic regulations as are specifically authorized by this act.

Amending clause.

Section 3. That section 39 of chapter 263 of the 1955 session laws of the State of Montana be, and the same is hereby amended to read as follows:

Driving or control under influence of liquor forbidden.

"Section 39. **Persons Under the Influence of Intoxicating Liquor or of Drugs.** (a) It is unlawful and punishable as provided in paragraph (c) of this section for any person who is under the influence of intoxicating liquor to drive or be in actual physical control of any vehicle within this state.

Driving under influence of drugs forbidden.

"(b) It is unlawful and punishable as provided in paragraph (c) of this section for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this state. The fact that any person charged with a violation of this paragraph is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this paragraph.

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"(c) Every person who is convicted of a violation of this section will be punished by imprisonment for not more than six (6) months, or by fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or by both such fine and imprisonment. On a second or subsequent conviction he shall be punished by imprisonment for not less than thirty (30) days nor more than one (1) year, or in the discretion of the court, a fine of not less than three hundred dollars ($300.00) nor more than one thousand dollars ($1,000.00) or by both such fine and imprisonment." Penalties. Second or subsequent convictions.

(d) Each and every municipality in this state is hereby given authority to enact the foregoing paragraphs (a), (b) and (c) of this section, with the word "state" in the first sentence of paragraph (b) changed in each instance to read "municipality," as an ordinance, and is hereby given jurisdiction of the enforcement of said ordinance, and of the imposition of the fines and penalties therein provided. Cities given authority to enact (a), (b) and (c) of this section as ordinance with jurisdiction for enforcement.

"The board shall forthwith revoke the license or permit to drive and operating privilege and any nonresident operating privilege of any person convicted under this section *or under any ordinance enacted pursuant to the authority of this section;* providing, however, that the board shall have the authority after such revocation upon proper application and proper showing made to the board by the party whose license has been revoked to issue to said party a restricted operator's or chauffeur's license allowing the said party to drive a motor vehicle to and from and in the course of his business only, and such restricted license shall remain in effect at the will of said board." Revocation of license or permit. Proviso—restricted licenses.

Section 4. That section 40 of chapter 263 of the 1955 session laws of the State of Montana be, and the same is hereby amended to read as follows: Amending clause.

"Section 40. **Reckless Driving.** (a) Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving. Reckless driving.

"(b) Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not more than ninety (90) days, or by Penalty.

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fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00), or by both such fine and imprisonment, and on a second or subsequent conviction shall be punished by imprisonment for not less than ten (10) days nor more than six (6) months, or by a fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00), or by both such fine and imprisonment."

Second and subsequent convictions.

Authority to cities to enact (a) and (b) of this section as ordinance with jurisdiction for enforcement.

(c) Each and every municipality in this state is hereby given authority to enact the foregoing paragraphs (a) and (b) of this section as an ordinance, and is hereby given jurisdiction of the enforcement of said ordinance and of the imposition of the fines and penalties therein provided.

Repealing clause.

Section 5. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 6. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1957.

CHAPTER 202

An Act to Amend Section 75-3403, of the Revised Codes of Montana, of 1947, as Amended by Section 1, Chapter 52, Session Laws of Montana, of 1955, Relating to the Maintenance, Purchase, Insurance and Replacement of School Bus or Busses and Two-way Radios by School Trustees; Providing for Contracts of School Pupil Transportation by School Trustees Not in Excess of Five (5) Years; Providing for a Levy by School Districts Owning a School Bus or Busses, not to Exceed Twelve and One-half Percent (12½%) of the Original Cost of the School Bus or Busses, for Purchase of School Bus or Busses and Two-way Radios for Replacements; Designating a Fund and Purpose for Which Used; Providing for an Election by Electors of the District When Fund may be Used for Other than Designated Purpose; Providing for the Installation of Two-way Radios in said School Bus or Busses in School Districts Where Weather and Road Conditions may Constitute a Hazard to the Safety of School Pupil Passengers in the State of Montana; Providing

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for the Operation of Two-way Radios on the Same Frequency as that of the Montana Highway Patrol and the Sheriff of the County Where said School Bus or Busses Operate, or any Frequency Assigned by the Federal Communications Commission; Providing for Permission by the Federal Communications Commission, the Montana Highway Patrol and the Sheriff of the County Wherein said School Bus or Busses Operate to use said Two-way Radios; Providing for a Repealing Clause and Providing for an Effective Date of this Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-3403, of the Revised Codes of Montana, of 1947, as amended by section 1, chapter 52, session laws of 1955, be, and the same is hereby amended to read as follows:

School board may operate busses.

"75-3403. **School Board May Operate Busses or Contract for Transportation of Pupils — School Board May Set Up Depreciation Reserve for Purchase of Replacement Busses** *and Two-Way Radios for School Bus or Busses.* The board of trustees shall have the power to purchase, or rent and provide for the upkeep, care, operation, *maintenance, insurance, for two-way radios and for* school busses; or to contract and pay for the transportation of eligible pupils, such contracts to run for terms not to exceed five (5) years; and provided further, that each district owning a school bus or busses may levy a sufficient number of mills to create a reserve of not to exceed twelve and one-half percent (12½%) per year of the original cost of the bus or busses for which the reserve is created; said fund to be kept separate and apart from all other funds, and to be used only for the purchase of the bus or busses needed to replace the bus or busses *and two-way radios* for which said reserve was created, unless authorized by a majority of the votes cast by the qualified electors of the district at an election called for that purpose." *Provided, however, that school district trustees may authorize as standard equipment, the installation of two-way radios in a school bus or busses operating in school districts where weather and road conditions may constitute a hazard to the safety of the school pupil passengers. The two-way radios may be operated on the same frequency as that used by the Montana High-*

Two-way radios for school busses.

Contract—5 year limit.

District-owned busses, levy for replacement of busses and for two-way radios.

Proviso—two-way radios may be authorized as standard equipment where weather and road conditions are hazard to safety.

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Frequency of two-way radios.

way Patrol and the sheriff of the county, with their permission and the permission of the Federal Communications Commission wherein said school bus or busses operate, or any frequency assigned for such operation by the Commission.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1957.

CHAPTER 203

An Act to Provide for a Department of Agriculture Grain Services' Revolving Fund in the Office of the State Treasurer, Derived from Ninety-five Per Cent (95%) of All Fees and Charges Paid to the Commissioner of Agriculture for Inspecting, Grading, Weighing and Protein-Testing of Grain, with Warrants to be Drawn on Such Fund for the Payment of All Expenses Incurred in Performing Such Services and with the Balance of Such Fees and Charges to be Paid Into the General Fund; Providing That Fees and Charges for Such Services be Kept as near the Actual Cost Thereof as Possible; Providing That no State Funds Shall be Used for Such Services; Repealing All Acts and Parts of Acts in Conflict Herewith; and Prescribing when This Act Takes Effect.

Be it enacted by the Legislative Assembly of the State of Montana:

Fees for inspection, grading, weighing of grain deposited with state treasurer—95% to the department of agriculture grain services' revolving fund.

Section 1. All fees and other charges authorized by law to be fixed by the commissioner of agriculture for the inspection, grading, weighing and protein-testing of grain shall be by said commissioner kept as near the actual cost of such services as is possible. All such fees and charges shall be paid to the commissioner and by him deposited with the state treasurer. The state treasurer shall place five per cent (5%) of all such fees and charges in the general fund and ninety-five per cent (95%) of all such fees and charges in a fund to be known as "the department of agriculture grain services' revolving fund." The state auditor is authorized to draw

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warrants upon such fund to pay all claims for expense incurred in inspecting, grading, weighing and protein-testing of grain, when such claims have been approved by the state board of examiners. The commissioner of agriculture shall submit to the legislature a budget under the grain services' revolving fund showing the salaries, wages and other expenses incidental to the operation of the grain testing laboratories. No funds of the state shall be used by the commissioner in carrying out such services, except monies presently appropriated.

Warrants for expenses.

Budget.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after April 1, 1957.

Effective April 1, 1957.

Approved March 9, 1957.

CHAPTER 204

An Act to Amend Section 5 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to Definition of Trailer — Semitrailer — Pole Trailer; by Providing for Definition of House Trailer; by Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 5 of chapter 263 of the session laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

Amending clause.

"Section 5. *Definitions — Trailer — Semitrailer — Pole Trailer — House Trailer.* (a) Trailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

Terms defined. "Trailer."

"(b) Semitrailer. Every vehicle with or without motive power, other than a pole trailer, designed for carrying property and for being drawn by a motor vehicle and so constructed that some part of its weight

"Semitrailer."

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and that of its load rests upon or is carried by another vehicle.

"Pole Trailer." "(c) Pole Trailer. Every vehicle without power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable, generally, of sustaining themselves as beams between the supporting connections."

"House trailer." *(d) House Trailer. A trailer or a semitrailer which is designed, constructed and equipped as a dwelling place, living abode or sleeping place (either permanently or temporarily) and is equipped for use as a conveyance on streets and highways, or a trailer or semitrailer whose chassis and exterior shell is designed and constructed for use as a house trailer, as defined above, but which is used permanently or temporarily for the advertising, sales, display or promotion of merchandise or services, or for any commercial purpose except the transportation of property for hire or the transportation of property for distribution by a private carrier.*

Repealing clause. Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1957.

CHAPTER 205

An Act to Amend Section 84-2102 (2408.2) of the Revised Codes of Montana, 1947, Relating to Natural Gas Distributors' License Tax; Fixing the Amount of Such License Tax and Prescribing the Method for the Assessment Thereof; and Providing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause. Section 1. That section 84-2102 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Natural gas distributors' license tax, beginning July 1, 1957. "84-2102. (2408.2) **Natural Gas Distributors' License Tax — Amount — Standard for Measurement of Gas Distributed — Persons Not Contemplated by Act.** Every

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person engaged in or carrying on the business of distributing to *consumers* within this state, natural gas, produced, or not produced within this state, or engaged in or carrying on the business of owning, controlling, managing, leasing or operating within the state, any system or plant for the distribution of natural gas, produced, or not produced within this state, to *consumers* within this state for the purpose of use outside this state, or engaged in or carrying on the business of owning, controlling, managing, leasing or operating within this state, any system or plant for the distribution of natural gas, produced, or not produced within this state, to *consumers* within this state must, for the year *beginning July 1, 1957,* and each year thereafter when engaged in carrying on such business in this state, pay to the state treasurer for the exclusive use and benefit of the State of Montana, a license tax for engaging in and carrying on such business an amount equal to *one-half (½)* of one (1) cent for each one thousand (1000) cubic feet of such natural gas, produced within this state, or not produced within this state, and distributed by such person to *consumers* within this state, during such year, or conveyed through a pipeline to a point outside this state during such year, except in connection with the operating of natural gas wells from which the same was extracted or produced, or delivered by such person to any other person for sale, and that the standard or base pressure to be used in the measurement of such gas so distributed for determining the amount of license tax imposed hereunder, shall be ten (10) ounces above an atmospheric pressure of fourteen (14) and four-tenths (4/10) pounds per square inch, and at a temperature of sixty (60) degrees Fahrenheit, regardless of the atmospheric pressure and temperature at the point of measurement, and all measurements of gas shall be reduced, by computation, to these standards no matter what may have been the pressure and temperature at which gas was actually produced or measured; provided, however, that nothing in this act shall be construed as requiring laborers, employees, hired or employed, by any person to work on or about, or in connection with any natural gas well property or business, to pay such license taxes, nor shall any work required to be done in prospecting, or in developing, or opening up any natural gas property or plant, be deemed to be carrying on of natural gas busi-

Standard for measurement for gas distributed.

Proviso—persons not included in this act.

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ness, or engaging in the business of working or operating of a natural gas well or plant; provided further, that if during any such work of developing any natural gas property, any marketable natural gas shall be extracted or produced and sold, then the same shall be deemed the carrying on of a natural gas business of distributing to *consumers.*''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1957.

CHAPTER 206

An Act to Amend Section 84-1812 of the Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 231, Laws of 1953, Relating to the Distribution of Proceeds of Tax-Funds by Increasing the Annual Expenditure for Dissemination of Public Information from Sixty-five Thousand Dollars ($65,000.00) to Eighty-five Thousand Dollars ($85,000.00); and to Amend Section 84-1816 of the Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 212, Laws of 1953, as Amended by Section 1, Chapter 241, Laws of 1953, as Amended by Section 1, Chapter 88, Laws of 1955, Relating to the Use of State Highway Funds on Federal Highway System by Increasing the Annual Expenditure for Dissemination of Public Information from Sixty-five Thousand Dollars ($65,000.00) to Eighty-five Thousand Dollars ($85,000.00); Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-1812 of the Revised Codes of Montana, 1947, as amended by section 1, chapter 231, laws of 1953, be, and the same is hereby amended to read as follows:

Distribution of proceeds of tax funds.

''84-1812. (2381.22) **Distribution of Proceeds of Tax-Funds.** All money received by the state treasurer in payment of license taxes under the provisions of this act shall be deposited and credited (a) seventy-five per centum (75%) to the state highway fund, and (b) twenty-five per centum (25%) to a special fund designated as 'gasoline license drawback fund.'

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Gasoline license tax drawback fund.

"All money so collected and deposited in the gasoline license tax drawback fund shall be used for the purpose of making such refunds and paying such drawbacks as are authorized by law to be made or paid to purchasers of gasoline used in this state for other purposes than the propulsion of motor vehicles over the public highways and streets of this state, provided, however, that at the close of each fiscal year, the state treasurer shall transfer all money remaining unexpended in said gasoline license tax drawback fund to the state highway fund; provided, further, that if at any time the money in said gasoline license tax drawback fund is insufficient in amount to pay duly authorized and approved refunds or drawbacks, the state treasurer shall transfer from the state highway fund a sum or sums sufficient in amount to meet and pay all such outstanding authorized and duly approved refunds or drawbacks.

State highway fund—adding dissemination of public information to uses of fund.

"All money so collected and deposited or transferred to said state highway fund shall be used and expended by the state highway commission in the construction, reconstruction, betterment, maintenance, administration, dissemination of public information, hereby determined to be a proper administrative expense, and engineering on the federal highway system of highways in this state selected and designated under the provisions of the federal aid act, approved July 11, 1916, and the federal highway act, approved November 9, 1921, and all amendments thereto, and for the purpose of construction, reconstruction, betterment, maintenance, administration, dissemination of public information hereby determined to be a proper administrative expense and engineering of highways leading from each county seat in the state to said federal highway system of federal aid roads where such county seat is not on said system and for the purpose of construction, reconstruction, betterment, maintenance, administration, dissemination of public information, hereby determined to be a proper administrative expense, and engineering of such other roads as have been or may be authorized by the laws of Montana, for the collection and enforcement of this act, provided, that the total cost to the state of administration, dissemination of public information, hereby determined to be a proper administrative expense, and engineering on the federal aid work contemplated by this act shall not exceed for any fiscal year eight per centum (8%) of the

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total of state, federal aid and other available funds expended under the supervision of the state highway commission, and said eight per centum (8%) shall be known as the administrative fund. Provided further that the expenditure for dissemination of public information shall not exceed an annual expenditure of eighty-five thousand dollars ($85,000.00)."

Administrative fund.

Annual expenditure limit for dissemination of public information.

Amending clause.

Section 2. That section 84-1816 of the Revised Codes of Montana, 1947, as amended by section 1, chapter 212, laws of 1953, as amended by section 1, chapter 241, laws of 1953, as amended by section 1, chapter 88, laws of 1955, be, and the same is hereby amended to read as follows:

Use of state highway fund on federal highways.

"84-1816. (2396.2) **Use of State Highway Fund on Federal Highway System.** All moneys of the state highway fund, including moneys arising from the license tax upon dealers in gasoline and motor fuels, but excluding moneys being held in such fund for refund or drawback purposes and expense of collection and enforcement, shall be used and expended by the state highway commission in the construction, reconstruction, betterment, maintenance, administration, dissemination of public information, hereby determined to be a proper administrative expense, and engineering on the federal highway system of highways in this state selected and designated under the provision of the federal aid act approved July 11, 1916, and the federal highway act approved November 9, 1921, and all amendments thereto, and for the purpose of construction, reconstruction, betterment, maintenance, administration, dissemination of public information, hereby determined to be a proper administrative expense, and engineering of highways leading from each county seat in the state to said federal highway system of federal aid roads where such county seat is not on said system, and for the purpose of construction, reconstruction, betterment, maintenance, administration, dissemination of public information, hereby determined to be a proper administrative expense, and engineering of such other roads as have been or may be authorized by the laws of Montana. Provided, that the total net costs to the state for administration on the federal aid work contemplated by this act shall not exceed for any fiscal year eight per cent (8%) of the total of state, federal aid and other available funds expended under the supervision of the state highway commission, and said eight per cent (8%) shall be known as the administrative fund.

Dissemination of public information.

8% limit on administrative fund.

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Provided further that the expenditure for dissemination of public information shall not exceed an annual expenditure of eighty-five thousand dollars ($85,000.00). It shall be the duty of the state highway commission, in expending such money, to carry forward construction from year to year, using the money expended through the matching up of federal aid allotments to Montana upon the said federal highway system of highways in the various parts of the state in accordance with the provisions of section 84-1817; provided that nothing in this act shall be construed to conflict with said federal aid highway acts and the rules by which they are administered. The state highway commission is authorized to enter into co-operative agreements with the national park service and the bureau of public roads for the purpose of maintaining national park approach roads in Montana."

Advertising expenditure limit, $85,000.00 ped annum.

Cooperative agreements allowed.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 9, 1957.

CHAPTER 207

An Act to Amend Section 59-538 of Replacement Volume 4 of the Revised Codes of Montana, 1947, as Amended, Relating to Expenses of Persons in State Service by Exempting Elective State Public Officers of the State of Montana from the Per Diem Allowance Fixed Therein, and Allowing Elective State Public Officers of the State of Montana Actual and Necessary Expenses When Engaged In Service Away from Helena Not to Exceed Fifteen Dollars ($15.00) Per Day; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. An act to amend section 59-538 of the Revised Codes of Montana, 1947, as amended, as follows:

Amending clause.

"59-538. **Expenses of Persons in State Service—Per Diem Allowance.** Every person engaged in any service in every department of state, inclusive of persons in appointive positions or positions created by law, whose duties consist of full or partial time in traveling to perform any service for the state under monthly or yearly

Expenses of persons in state service.

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salary, or who may be sent by any authorized executive of any department of the state upon a mission in performance of any clerical work, supervisory or extension work or otherwise, of every kind and character, shall be allowed, for the time engaged in such travel, in lieu of the actual expenses for subsistence, a per diem allowance at the rate of seven dollars ($7.00) per day for such travel within the State of Montana and at the rate of ten dollars ($10.00) per day for such travel outside the State of Montana; provided, that the provisions of this act shall not apply to persons holding offices specifically provided for in section 93-305, Revised Codes of Montana, 1947; or section 93-313, Revised Codes of Montana, 1947; providing that nothing herein contained shall be construed as affecting the validity of section 43-310, Revised Codes of Montana, 1947''; *and provided further that the provisions of this act shall not apply to the elective state public officers of the State of Montana who shall in lieu thereof be authorized actual and necessary expenses while engaged in state service away from Helena, not to exceed fifteen dollars ($15.00) per day.*

Per diem allowance, within state.

Outside the state.

Proviso— not applicable.

Not to affect Section 43-310, R.C.M., 1947.

Proviso— Not applicable to elective state public officers.

Actual and necessary expenses— maximum of $15.00 per day.

Section 2. This act shall be in full force and effect immediately upon approval.

Effective immediately.

Approved March 9, 1957.

CHAPTER 208

An Act to Amend Section 53-101 of the Revised Codes of Montana, 1947, Relating to the Duties of the Registrar of Motor Vehicles and Care and Custody of the Records of Said Registrar; Providing for the Filing of Applications for Registration by Identifying Number of the Vehicle Registered; Providing That the Registrar May Appoint Such Subordinates as May be Required; Providing for the Appointment of Inmates of the State Prison as Clerks; Providing That the Salaries of Such Subordinates be Fixed by the Registrar With the Authorization of the Board of Examiners; Providing for the Maintenance of a Short Wave Radio Station; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amending clause.

Section 1. That section 53-101 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read:

Warden to be registrar of motor vehicles.

"53-101. (1755) **Duties of Registrar of Motor Vehicles—Records.** 1. The warden of the state penitentiary shall be, and is hereby constituted the registrar of motor vehicles, trailers and semitrailers, of motor and accessories dealers and of operators and chauffeurs, and as such it shall be his duty to keep a record as hereinafter specified of all motor vehicles, trailers and semitrailers of every kind, and certificates of registration and ownership thereof, of all dealers in motor vehicles and automobile accessories and of operators and chauffeurs.

Duty to keep records.

What records to contain.

"2. In the case of motor vehicles, trailers and semitrailers, the record shall show the following: Name of owner, residence by town and county, business address, name and address of conditional sales vendor, mortgagee or other lien holder and amount due under contract or lien, manufacturer of car, manufacturer's designation of style of car or vehicle, *identifying* number, year of manufacture, character of motive power and shipping weight of car as shown by the manufacturer and distinctive license number assigned such car or vehicle; and, if a truck or trailer, the number of tons capacity, and such other information as may from time to time be found desirable.

Applications to be filed, how.

"3. The registrar shall file applications for registration received by him from the county treasurers of the state and register the vehicles therein described and the owners thereof in suitable books or on index cards, as follows:

"(a) Under distinctive license number assigned to vehicle by the county treasurers.

"(b) Alphabetically under name of owners.

"(c) Numerically under make and *identifying* number of vehicle.

"(d) Such other index of registration as registrar shall deem expedient.

Dealers' records.

"4. In the case of dealers the records shall show the name of the applicant, his residence and address by town and county, his business address, the distinctive number assigned him, and the name or names of new cars handled by him.

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Bond by registrar.

"5. The registrar of motor vehicles shall qualify by giving a bond of twenty-five thousand dollars ($25,000.00), providing for the faithful performance of his duty." *He shall appoint such deputies, subordinate officers, clerks, investigators and other employees as may be necessary to to carry out this act, providing there be selected as many of the clerical help from the inmates of the state prison as the registrar determines to be possible. The salaries of all such appointees shall be fixed by the registrar of motor vehicles as authorized by the state board of examiners, with respect to salaries of other subordinate state officers and employees.*

Deputies and other help.

Proviso— inmates as clerical help.

Salaries.

Books and records in custody of registrar at state penitentiary.

"6. All office equipment, books, files and records belonging to the motor department shall be in the care and general custody and control of the registrar of motor vehicles at the state penitentiary. In order to prevent an accumulation of records and files which shall have ceased to be of any value the registrar of motor vehicles shall have the authority and it shall be his duty to destroy all correspondence, motor card and application card records after the expiration of five (5) years from the date thereof, and all conditional sales contracts and chattel mortgages and records pertaining thereto after the expiration of five (5) years after the date the same have ceased to be liens on the motor vehicles described therein.

Destruction after 5 years.

Short-wave radio authorized.

"7." *The registrar may establish and maintain a short-wave radio station in order to report motor vehicle registration information to the highway patrol, sheriffs, and to chiefs of police of each incorporated city of the state who are able to communicate with such short-wave radio station.*

Public records.

"8. All such records shall be open to inspection during all reasonable business hours and the registrar of motor vehicles shall furnish any information from said records upon payment by the applicant of the cost of transcribing the information requested."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1957.

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CHAPTER 209

An Act Accepting the Amendment Enacted by Congress to Section Twelve of the Enabling Act Approved February 22, 1889, (25 Stat. 676), Relating to the Admission Into the Union of the States of North Dakota, South Dakota, Montana and Washington, Approved by the President of the United States, February 26, 1957; and Providing For an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Acceptance of amendment to enabling act relating to admission into Union of North Dakota, South Dakota, Montana and Washington.

Section 1. The State of Montana hereby accepts the amendment to section twelve of the Enabling Act approved February 22, 1889, (25 Stat. 676), relating to the admission into the Union of the States of North Dakota, South Dakota, Montana and Washington, approved by the president of the United States, February 26, 1957, (Public Law 6, 85th Congress), which amendment reads as follows:

Amendment.

"BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, that section 12 of the act relating to the admission into the Union of the states of North Dakota, South Dakota, Montana and Washington, approved February 22, 1889, is amended to read as follows: 'That upon the admission of each of said states into the Union, in accordance with the provisions of this act, fifty sections of unappropriated public lands within such states, to be selected and located in legal subdivisions as provided in section 10 of this act, shall be, and are hereby, granted to said states for public buildings at the capital of said states for legislative, executive and judicial purposes, including construction, reconstruction, repair, renovation, furnishings, equipment, and any other permanent improvement of such buildings and the acquisition of necessary land for such buildings, and the payment of principal and interest on bonds issued for any of the above purposes.''

Effective Feb. 22, 1889.

Sec. 2. This act shall take effect as of February 22, 1889.

Approved Feb. 26, 1957.

Approved February 26, 1957.

Repealing clause.

Section 2. All acts or parts of acts in conflict with the provisions of this act are hereby repealed.

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Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1957.

CHAPTER 210

An Act to Provide for Instruction of Election Judges; Providing for the Appointment by the Board of County Commissioners of an Instructor; Providing for the Compensation for the Election Judges Being Instructed, Providing for Certificates of Instruction; Providing for Notice to the County Chairman of the Two Major Political Parties of the County of the Place and Time of Instruction; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Instruction of election judges.

Section 1. **Instructions of Judges of Elections.** Before each election, general or primary, all judges appointed to act at said election, who do not possess a certificate of instruction as provided for in this act shall be instructed by a person delegated by the board of county commissioners in regard to the powers, duties, and liabilities imposed upon election judges by the election laws of the State of Montana. For the purpose of giving such instruction, the delegate of the board of county commissioners shall call such meeting or meetings of the judges of election as shall be necessary. Each judge of election shall attend such meeting or meetings and receive at least two (2) hours of instruction, and as compensation for the time spent in receiving such instruction, each judge that shall serve in the election shall receive the sum of one dollar ($1.00) per hour of instruction, to be paid to him at the same time and in the same manner as compensation is paid to him for his or her services on election day.

Must attend meetings and receive two hours of instruction.

Compensation.

Certificate of instruction for two years.

Upon the completion of the two (2) hours of instruction, the judge shall receive a certificate from the person delegated by the board of county commissioners from whom he or she has received instruction, that the instruction has been completed, provided that no certificate of instruction shall be valid for a period of greater than (2) years. No person shall serve as a judge of election unless this certificate has been received, provided, however, that this shall

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not prevent the appointment of a judge of election to fill a vacancy in an emergency. Notice of place and time of instruction of the political judges must be given by the board of county commissioners to the county chairmen of the two major political parties in the county.

Vacancy to be filled in emergency.
Notice of time and place of instruction.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 9, 1957.

CHAPTER 211

An Act Providing for an Income Tax Refund Account and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. **Income Tax Refund Account.** There is hereby established a special fund designated "income tax refund account". All money received by the state treasurer in payment of taxes levied under the provisions of state income tax shall be deposited in said fund. All money so collected and deposited in the "income tax refund account", or so much thereof as is necessary, shall be used for the purpose of making such refunds as are authorized by the Montana income tax law and are hereby appropriated for this purpose. All unexpended balances in excess of one hundred thousand dollars ($100,000.00) on hand in said fund at the end of each calendar month shall be deposited to the credit of the state general fund and the state public school equalization fund in the proportions specified in section 84-1901, Revised Codes of Montana, 1947.

Income tax refund account, money received from state income tax.

To be used for authorized refunds.

Balance over $100,000.00 at end of each month to general fund and state public school equalization fund.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 9, 1957.

CHAPTER 212

An Act Providing for Review by the Court of Any Determination of the Board of Equalization in Respect to Income Taxes and Repealing Section 84-4923, Revised

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Codes of Montana, 1947, and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Review of determination by state board of equalization by district court.

Section 1. **Review by Court.** The determination of the state board of equalization may be reviewed in the district court for Lewis and Clark County or the county in which the taxpayer resides or has his principal office or place of business, by a complaint filed by the taxpayer against the state board of equalization within six (6) months after the receipt of notice of the decision of the state board of equalization. Upon the serving of summons upon the state board of equalization as in civil action, the cause shall proceed as other civil cases. Service upon the state board of equalization may be made by serving one copy upon the secretary of the state board of equalization or one copy upon the chairman of the state board of equalization. The remedies provided by this chapter for the collection of the tax shall be stayed and no assessment, distraint or proceedings in court for collection of the taxes shall be made, begun or prosecuted until ninety (90) days after such court action is finally determined. From any determination of such court, an appeal to the supreme court may be taken by either party.

Complaint and summons.

Service on state board.

Stay of proceedings.

Appeal to supreme court.

Section 84—4923, R.C.M., 1947 and parts of acts in conflict repealed.

Section 2. Section 84-4923 of the Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1957.

CHAPTER 213

An Act to Amend Sections 84-2601 and 84-2602 of the Revised Codes of Montana, 1947, Relating to Annual Tax on Gross Income of Telephone Business and Statement and Payment of Tax on Gross Income; Providing a Repealing Clause and an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-2601 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

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"84-2601. **Annual Tax Levied on Gross Income of Telephone Business.** That on and after the first day of April, 1957, there is hereby levied and shall be collected an annual tax of one and one-*half* per cent (1½%) of the gross income, in excess of two hundred fifty dollars ($250.00) quarterly, derived from any telephone business within this state including the transmission of telephone messages in this state, over telephone lines in this state owned by any person, association or corporation; provided, however, that no bill, statement or account rendered or given any customer shall set out or contain, as a separate item, any amount on account or by reason of the license tax imposed by this act. Such annual license tax shall be paid in quarterly installments for the quarters ending respectively March 31, June 30, September 30, and December 31, in each year."

Annual tax levied on gross income of telephone business in the state.

Proviso—not to be billed to customer separately.

Tax to be paid quarterly.

Section 2. That section 84-2602 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"84-2602. **Statement and Payment on Gross Income—Certain Business Excluded.** Each and every person, association or corporation liable to tax under this act engaged in carrying on such telephone business in this state shall, within sixty (60) days after the end of each quarter, beginning with the quarter ending *September 30, 1957*, make out in duplicate and file with the state board of equalization, under oath, a statement in such form as the state board of equalization may require and prescribe, showing the total gross income of such person, association or corporation derived from the telephone business within this state including the transmission of telephone messages originating and terminating within this state, but excluding therefrom the gross income derived from the transmission of telephone messages passing through this state but both originating and terminating outside of this state and from those originating outside of, but terminating within this state and from those originating within but terminating outside of this state during the preceding quarter, and containing such other information as the state board of equalization may require; and shall accompany such statement with the payment to the state board of equalization of a license tax in the amount equal to *one and one-half percent (1½%)* of such gross income."

Statement and payment on gross income.

Exclusions from gross income.

license tax.

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Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective July 1, 1957.

Section 4. This act shall be in full force and effect from and after the first day of July, 1957.

Approved March 11, 1957.

CHAPTER 214

An Act to Amend Section 84-1601. (2343.1) of the Revised Codes of Montana, 1947, Relating to the Electrical Energy Producers' License Tax.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-1601 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Electrical energy producers' license tax.

"84-1601. (2343.1) **Electrical Energy Producers' License Tax.** That in addition to the license tax now provided by law, each and every individual, firm, partnership, common law trust, corporation, association or other organization now engaged in the generation, manufacture or production of electricity, and electrical energy in the state of Montana, either through water power or by any other means, for barter, sale or exchange and hereinafter referred to as the 'producer,' shall on or before the fifteenth day of each calendar month beginning with the fifteenth day of *August, 1957*, render a statement to the state board of equalization of the State of Montana, showing the gross amount of money received on account of sales of electricity and electrical energy during the preceding calendar month without any deduction, and shall pay a license tax thereon in the sum of one *and one-quarter* per cent (1¼%) of such gross amount as shown on such statement in the manner and within the time hereinafter provided."

Beginning with Aug. 15, 1957, statement to be made monthly, showing gross income.

Tax.

Approved March 11,1957.

CHAPTER 215

An Act to Provide for the Support of the Government of Montana for the Years 1957 and 1958; Providing a Severability Clause and an Effective Date.

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Be it enacted by the Legislative Assembly of the State of Montana:

Taxes levied for 1957.

Section 1. The following tax levies for state purposes are hereby made upon all property in the State of Montana, subject to taxation, for the year 1957, as ascertained by taking the percentage of the true and full value provided by law for purposes of taxation, to wit:

General fund.

(a) For the state general fund, two (2) mills, or so much thereof as the state board of equalization may find necessary, under the provisions of section 84-713, Revised Codes of Montana, 1947.

University millage fund.

(b) For the university millage fund, to provide funds for the support of the greater university, as provided in referendum measure No. 51 and passed by vote of the people at the general election held November 2, 1948, six (6) mills.

Insane hospital bond issue.

(c) For the state insane hospital bond interest and sinking fund created under referendum measure No. 50, one half (½) of one (1) mill.

U. of Montana building fund.

(d) For the university of Montana building bond interest and redemption fund created under referendum measure No. 52, one (1) mill.

State hospital bond fund.

(e) For the Montana state hospital for the insane bond interest and redemption fund created under referendum measure No. 57, one half (½) of one (1) mill.

State training school bond fund.

(f) For the Montana state training school bond interest and redemption fund created under referendum measure No. 58, one half (½), of one (1) mill.

Taxes levied for 1958.

Section 2. The following tax levies for state purposes are hereby made upon all property in the State of Montana, subject to taxation, for the year 1958, as ascertained by taking the percentage of the true and full value provided by law for the purposes of taxation, to wit:

General fund.

(a) For the state general fund, two (2) mills, or so much thereof as the state board of equalization may find necessary, under the provisions of section 84-713, Revised Codes of Montana, 1947.

University millage fund.

(b) For the university millage fund, to provide funds for the support of the greater university, as provided in referendum measure No. 51 and passed by vote of

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the people at the general election held November 2, 1948, six (6) mills.

State insane hospital bond issue.

(c) For the state insane hospital bond interest and sinking fund created under referendum measure No. 50, one half (½) of one (1) mill.

U. of Montana building bond fund.

(d) For the university of Montana building bond interest and redemption fund created under referendum measure No. 52, one (1) mill.

State insane hospital bond fund.

(e) For the Montana state hospital for the insane bond interest and redemption fund created under referendum measure No. 57, one-half (½) of one (1) mill.

State training school bond fund.

(f) For the Montana state training school bond interest and redemption fund created under referendum measure No. 58, one half (½) of one (1) mill.

Saving clause.

Section 3. If any part of this act shall be declared invalid or unconstitutional, it shall not affect the validity of any other part of this act.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 11, 1957.

CHAPTER 216

An Act to Amend Sections 4, 5 and 10 of Chapter 162 of the Thirty-fourth Legislative Assembly of Montana, 1955, (Sections 1833, 1834 and 1839, Title 84, Replacement Volume Number 5 of the Revised Codes of Montana, 1947,) Relating to the Special Fuel Tax Act; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 4 of chapter 162, laws of 1955, (section 84-1833, replacement volume number 5 of the Revised Codes of Montana for 1947) be, and the same is hereby amended to read as follows:

Special fuel dealers' licenses.

"84-1833. **Special Fuel Dealers' and Special Fuel Users' Licenses and Special Fuel Vehicle Permits.** (a) Required: It shall be unlawful for any person to act as a special fuel dealer in this state unless such person

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is the holder of an uncancelled fuel dealers' license issued to him by the board.

"Every special fuel user shall obtain *from the board,* prior to the use of *such* special fuel for the propulsion of a motor vehicle or vehicles in this state, *a special fuel users' license, and* a special fuel vehicle permit for *each* such vehicle or vehicles operated by him upon the highways as herein defined," *which permit shall at all times be carried in the vehicle for which it was issued, and shall be exhibited for inspection on request of any checking station officer, Montana highway patrol officer, any member of the state board of equalization or any authorized employee of said board, or any other law enforcement officer.*

Special fuel users' license and special fuel vehicle permit.

Permit to be carried in vehicle for inspection.

"(b) Application: Application for a special fuel dealer's license, a special fuel user's license, or a special fuel vehicle permit shall be made to the board.

License application.

"(c) Form of application: The application shall be filed upon a form prepared and furnished by the board. The application shall contain such information as the board deems necessary.

Form.

"(d) Bond: No special fuel dealer's license or special fuel user's license shall be issued to any person or continued in force unless such person has furnished bond, as defined in section *2* (i) and in such form as the board may require to secure its compliance with this act, and the payment of any and all taxes, interest and penalties due and to become due hereunder.

Bond required.

"The total amount of the bond or bonds required of any special fuel dealer or special fuel user shall be equivalent to twice his estimated monthly tax payments as hereinafter provided, determined in such manner as said board may deem proper; provided, however, that the total amount of the bond or bonds shall never be less than five hundred dollars ($500.00).

"(e) Issuance: Upon receipt of the application and bond in proper form, the board shall issue to the applicant a license to act as a special fuel dealer or special fuel user or a special fuel vehicle permit; provided, however, the board may refuse to issue a special fuel dealer's license, a special fuel user's license or a special fuel vehicle permit to any person: (1) who formerly

Issuance of license or permit.

Proviso—refusal to issue.

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held either type of license or permit which, prior to the time of filing application has been revoked for cause; or (2) who is not the real party in interest and where the license or permit of the real party in interest has been revoked for cause prior to the time of filing such application; or (3) upon other sufficient cause being shown. Before such refusal, the board shall grant the applicant a hearing and shall grant him at least ten (10) days' written notice of the time and place thereof.

Expiration of license or permit.

"(f) Expiration of license or permit: Each special fuel dealer's license, special fuel user's license and special fuel vehicle permit shall be valid until suspended or revoked for cause or otherwise cancelled.

Non-assignable.

"(g) Assignment forbidden: No special fuel dealer's license, special fuel user's license or special fuel vehicle permit shall be transferable.

Revocation, suspension, cancellation and surrender of license and permit.

"(h) Revocation, *suspension,* cancellation and surrender of license and permit: The board may revoke the license of any special fuel dealer or special fuel user or *any* special fuel vehicle permit for reasonable cause. Before revoking such license or permit, the board shall

Notice.

notify the licensee or permittee" *of its intention so to do, by either certified or registered mail, addressed to his last known address shown in the files of the board, requiring him to appear before the board on a day and hour specified in such notice, not more than thirty (30) days nor less than ten (10) days from date of such notice, and*

Show cause hearing.

show cause, if any he has, "why the license or *the* permit, *or each of them,* should not be revoked; provided, however, that at any time prior to and pending such hearing the board may, in the exercise of reasonable discretion, suspend such license or permit."

Surrender for cancellation.

Upon revocation by the board of any such license or permit, the holder thereof shall immediately surrender the same to the board for cancellation; and the holder of any such permit, having permanently discontinued the use of any vehicle for which the permit was issued, for whatever reason, shall immediately surrender the same to the board for cancellation.

"The board shall cancel any license to act as a special fuel dealer or a special fuel user or any special fuel ve-

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hicle permit immediately upon surrender thereof by the holder.

Release of of surety.

"(i) Release of surety: Any surety on a bond furnished by a special fuel dealer or special fuel user as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty (30) days from the date upon which such surety shall have lodged with the board a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty (30) day period. The board shall promptly upon receiving any such request, notify the special fuel dealer or special fuel user who furnished the bond, and unless the special fuel dealer or special fuel user shall, on or before the expiration of the thirty (30) day period, file a new bond, in accordance with the requirements of this section, or make a deposit in lieu thereof as provided in section *2* (i), the board forthwith shall cancel the special fuel dealer's or special fuel user's license.

Preservation of accrued obligations.

Board may require additional bond or deposit.

"(j) Additional bond or deposit: The board may require a special fuel dealer or special fuel user to give a new or additional surety bond or to deposit additional securities of the character specified in section *2* (i), if, in *its* opinion, the security of the surety bond *theretofore* filed by such special fuel dealer or special fuel user, or the market value of the properties deposited as security by such special fuel dealer or special fuel user, shall become impaired or inadequate; and upon failure of the special fuel dealer or special fuel user to give such new additional surety bond or to deposit additional securities within thirty (30) days after being requested so to do by the board, said board forthwith shall cancel his license."

Amending clause.

Section 2. That section 5 of chapter 162, laws of 1955, (section 84-1834, replacement volume number 5 of the Revised Codes of Montana for 1947) be, and the same is hereby amended to read as follows:

Records to be kept by licensee.

"84-1834. **Special Fuel Dealers' and Special Fuel Users' Records.** (a) Preparation of records *and inspection of:* Every special fuel dealer, special fuel user and every person importing, manufacturing, refining,

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dealing in, transporting or storing, special fuel in this state, shall keep such records, receipts and invoices and other pertinent papers, with respect thereto as the board may require," *and shall produce them for the inspection of the board at any time during the business hours of the day.*

Production of records for inspection.

Records to be retained 5 years.

"(b) Retention of records: Said records, receipts, invoices and other pertinent papers shall be required to be kept for a period of at least five (5) years from the date *on* which the return to which they relate was required to have been made."

Amending clause.

Section 3. That section 10 of chapter 162, laws of 1955, (section 84-1839, replacement volume number 5 of the Revised Codes of Montana for 1947,) be, and the same is hereby amended to read as follows:

Penalties.

"84-1839. *(a)* **Penalties and Remedies:** Any person violating any provision of this *act* is guilty of a misdemeanor, unless the act is by any other law of this state declared to be a felony, and upon conviction is punishable by a fine of not less than one hundred dollars ($100.00) nor more than two thousand dollars ($2,000.00) or by imprisonment for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

Felony.

Penalties cumulative.

"*(b)* Penalties are cumulative: The fine and imprisonment provided for in this section shall be in addition to any other penalty imposed by any other provision of this act."

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1957.

CHAPTER 217

An Act Authorizing and Directing the Montana Liquor Control Board to Charge and Collect a License Tax on All Liquor Sold by it for the Use and Benefit of the Counties, and Incorporated Cities and Towns of the State of Montana; Providing for the Payment of Said License Tax to the Treasurers of the Various Counties of the State Where Said Liquor is Sold;

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Providing in Addition that Said Tax Shall be Charged and Collected on All Liquor Brought into the State and Taxed by the Montana Liquor Control Board; Requiring the Montana Liquor Control Board to pay Quarterly to Each County Treasurer the Proportion of Said License Tax due each County; Providing for the Retention of One-fourth of Said License Tax by Each County and Providing for the Time When and the Manner of the Apportionment of the Remaining Three-fourths of Said License Tax to the Incorporated Cities and Towns in Each County; Providing for said Funds to be Deposited to the Credit of the General Funds of said Incorporated Cities and Towns, and Counties, and for said Funds to be Expended for Law Enforcement and Regulation and Control of the Sale of Liquor and the Use Thereof; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

License tax of 4% of retail selling price on liquor.

Section 1. The Montana liquor control board is hereby authorized and directed to charge, receive and collect at the time of sale and delivery of any liquor under any provisions of the laws of the State of Montana a license tax of four per centum (4%) of the retail selling price on all liquor so sold and delivered. Said tax shall be charged and collected on all liquor brought into the state and taxed by the Montana liquor control board. The retail selling price shall be computed by adding to the cost of said liquor the state mark-up as designated by said board. Said four per centum (4%) license tax shall be figured in the same manner as the state excise tax and shall be in addition to said state excise tax. The Montana liquor control board shall retain the amount of such four per centum (4%) license tax so received in a separate account and shall apportion said license tax to the treasurers of the counties according to the amount of liquor sold by said board to the purchasers in each county. The Montana liquor control board shall pay quarterly to each county treasurer the proportion of the license tax due each county.

Retail selling price computation.

In addition to state excise tax.

Separate account and apportionment to counties.

County treasurer to retain ¼ and apportion ¾ to cities and towns.

The county treasurer of each county shall retain one-fourth (¼) of said license tax, and shall, within thirty (30) days after receipt thereof, apportion the remaining three-fourths (¾) thereof to the treasurers of the in-

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corporated cities and towns within his county, said apportionment to be based in each instance upon the proportion which the gross sale of liquor in such incorporated city or town bears to the gross sale of liquor in all of the incorporated cities and towns in his said county.

City and town general fund, how expended.

Section 2. The license tax monies when so apportioned shall be deposited to the credit of the general funds of said incorporated cities and towns, and counties and shall be expended by said incorporated cities and towns, and counties for law enforcement and the regulation and control of the sale of liquor and the use thereof.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 11, 1957.

CHAPTER 218

An Act Providing for the Increase of the Rate of Taxation on Real and Personal Property for State Purposes of not to Exceed Six (6) Mills on Each Dollar of Taxable Valuation in Addition to the Levy Which is Now or May be Hereafter Authorized by Section 9 of Article XII of the Constitution of the State of Montana, for a Period of Ten (10) Years Beginning with the Year 1959, and to Authorize and Empower the Legislative Assembly to Levy a Tax for Each Year During Such Period of an Additional Levy of Not to Exceed Six (6) Mills on Each Dollar of Taxable Valuation for the Support, Maintenance and Improvement of the Six Units Now Comprising the University of Montana, Together with the Agricultural Experiment Station and its Branches and Substations, and the Agricultural Extension Service, Including the Soil Survey and the Grain Laboratory and to Appropriate so Much of the Money Derived Therefrom for Each Year During said Period as May be Necessary for Said Purposes, and Providing for the Submission of This Act to the Qualified Electors of the State of Montana at the Next General Election, describing the Form of Ballots to be Used and the Duties of the Secretary of State of the State of Montana Relative to the Submission of Said Act to the Qualified Electors of Said State; Providing

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When This Act Shall Take Effect, and Providing for Repeal of Chapter 217 of the Laws of 1947 and All Other Acts and Parts of Acts in Conflict Herewith Upon Approval of This Act by a Majority of All Votes Cast at the Referendum Election Herein Provided.

Be it enacted by the Legislative Assembly of the State of Montana:

Rate of taxation on property, for state purposes increased six mills for ten-year period.

Section 1. That the rate of taxation on real and personal property for state purposes, as is hereafter defined, for each year for a period of ten (10) years beginning with the year 1959; shall be increased six (6) mills on each dollar of taxable valuation in addition to the levy which is now or may hereafter be authorized by section 9 of article XII of the constitution of the State of Montana, and the legislative assembly is authorized and empowered to levy an additional tax for state purposes for each of said years of not exceeding six (6) mills on each dollar of taxable valuation for state purposes, and all money derived from said additional levy of six (6) mills for each of said years or so much thereof as may be necessary shall be appropriated by the legislative assembly for the support, maintenance and improvement of the state university of Missoula, the state college of agriculture and mechanic arts at Bozeman, the Montana state school of mines at Butte, the western Montana college of education at Dillon, the eastern Montana college of education at Billings, and the northern Montana college at Havre, now comprising the units of the university of Montana, together with the agricultural experiment station and its branches and substations, and the agricultural extension service, including the soil survey and grain laboratory.

Levy of 6 mills additional for units of university and other named purposes.

Act to be submitted to the people.

Section 2. There shall be a referendum upon this act, and the secretary of state of the State of Montana is hereby required and it is made his duty to submit this act to the people of the State of Montana for their approval or rejection at the general election to be held in November, 1958, in accordance with the provisions of the constitution and the laws of the State of Montana relative thereto; the title and number of this referendum act shall be printed upon the official ballot used at said election. Irrespective of the provisions of section 37-105, Revised Codes of Montana, 1947, such title shall read as follows:

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Title of referendum act.

An act providing for the increase of the rate of taxation on real and personal property for state purposes of not to exceed six (6) mills on each dollar of taxable valuation, in addition to the levy which is now or may be hereafter authorized by section 9 of article XII of the constitution of the State of Montana, for a period of ten (10) years beginning with the year 1959, and to authorize and empower the legislative assembly to levy a tax for each year during such period of an additional levy of not to exceed six (6) mills on each dollar of taxable valuation for the support, maintenance and improvement of the six units now comprising the university of Montana, together with the agricultural experiment station and its branches and substations, and the agricultural extension service, including the soil survey and the grain laboratory and to appropriate so much of the money derived therefrom for each year during said period as may be necessary for said purposes, and providing for the submission of this act to the qualified electors of the State of Montana at the next general election describing the form of ballots to be used and the duties of the secretary of state of the State of Montana relative to the submission of said act to the qualified electors of said state; providing when this act shall take effect, and providing for repeal of chapter 217 of the laws of 1947 and all other acts and parts of acts in conflict herewith upon approval of this act by a majority of all votes cast at the referendum election herein provided.

Form of ballot.

Below the said title of the act on said ballot there shall be printed the words and squares:

☐ For the levy for the university, agricultural experiment stations and extension service.

☐ Against the levy for the university, agricultural and experiment stations and extension service.

Each qualified elector shall designate his preference by marking an "X" in the square before the proposition for which such elector desires to vote.

Votes, canvass of.

Section 3. The vote upon this referendum act shall be counted and canvassed as is provided by law and if a majority of all votes cast at such election for and against such referendum act shall be in favor of the

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act, the governor of the State of Montana shall immediately so declare by public proclamation.

Effective date of act, proclamation by governor.

Section 4. This act shall be in full force and effect from and after its passage by this legislative assembly, approval by a majority vote of the qualified electors and proclamation of the governor thereafter; provided however, nothing contained herein shall be construed to or shall in any manner effect a repeal of chapter 217 of the laws of 1947 unless a majority of all votes cast at the referendum election herein provided shall be in favor of this act. Upon approval of this act by a majority of all votes cast at the referendum election herein provided, chapter 217 of the laws of 1947 and all other acts and parts of acts in conflict herewith shall be hereby repealed.

Repeal of ch. 217, laws of 1947, conditional.

Approved March 11, 1957.

CHAPTER 219

An Act to Amend Section 84-1503, Revised Codes of Montana, 1947, to Provide for Apportionment of Corporate Income from Within and Without the State and to Provide for the Publication of the Rules and Regulations of the Board of Equalization Applicable Thereto; and to Provide for a Judicial Review; Provide Rule in Relation to Changes in Methods of Accounting; and Providing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-1503 of the Revised Codes of Montana, 1947, be, and the same hereby is amended to read as follows:

Segregation of income within and without the state.

"84-1503. (2297.1) **Segregation of Income Within and Without State.** If the income of any corporation from sources within the state cannot be properly segregated from income without the state, then, in that event, the amount of the net income returned shall be that proportion of the taxpayer's total net income which the taxpayer's gross business done in the State of Montana bears to the total gross business of the taxpayer, and apportionment shall be made under the rules and regulations prescribed by the state board of equalization, giving consideration to sales, property and payroll and

Proportioned.

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such other factors as may be deemed applicable;'' *provided, however, that the state board of equalization shall, upon the presentation of satisfactory evidence, determine that the income from sources within the State of Montana may be properly segregated from income from sources without the State of Montana and shall allow separate accounting. The board shall publish not less than once a year, all rules and regulations pertaining to this section. All decisions by the board under this section shall be subject to judicial review in an action prosecuted by the corporation in the district court of Lewis and Clark county. The taxpayer cannot change from one method of accounting to another method of accounting without first obtaining permission from the board.*

Proviso—separate accounting allowed.

Rules and regulations to be published.

Judicial review.

Permission for change in accounting methods required.

Repealing clause.

Section 2. That all acts or parts of acts in conflict herewith be, and the same hereby are, repealed.

Approved March 12, 1957.

CHAPTER 220

An Act to Amend Section 84-2004 of the Revised Codes of Montana, 1947, Relating to the Amount of Metalliferous Mines License Taxes; and Providing for an Effective Date Therefor; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-2004 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Metalliferous mines license tax.

''84-2004. (2344.4) **Amount of Tax.** The annual license tax to be paid by such person engaged in or carrying on the business of working or operating any mine or mining property in this state from which gold, silver, copper, lead or any other metal or metals, precious or semi-precious gems or stones are produced, shall be one dollar, together with an additional sum or amount equal to an amount computed on the gross value of product which may have been derived by such person from such business, work or operation within this state during the calendar year immediately preceding, at the following rates:—¼ of 1%. of the amount by which

$1.00 tax plus additional sum based on certain rates.

Rates.

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such gross value of products exceeds $100,000.00 and does not exceed $250,000.00; ½ of 1% of the amount by which such gross value of product exceeds $250,000.00 and does not exceed $400,000.00; ¾ of 1% of the amount by which the gross value of product exceeds $400,000.00 and does not exceed $500,000.00 and 1 *1/4%* of the amount by which the gross value of product exceeds $500,000.00.''

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective July 1, 1957.

Section 3. This act shall be in full force and effect from and after July 1, 1957.

Approved March 12, 1957.

CHAPTER 221

An Act to Amend Section 84-2202 of the Revised Codes of Montana, 1947, Relating to the Amount of Oil Producers' License Tax; and Containing a Repealing Clause, and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-2202 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Oil producers' license tax.

''Section 84-2202. (2398) **Oil Producers' License Tax — Amount — Exceptions.** Every person engaging in or carrying on the business of producing, within this state, petroleum, or other mineral or crude oil, or engaging in or carrying on the business of owning, controlling, managing, leasing or operating within this state any well or wells from which any merchantable or marketable petroleum or other mineral or crude oil is extracted or produced, sufficient in quantity to justify the marketing of the same, must, for the year *beginning July 1, 1957,* and each year thereafter, when engaged in or carrying on any such business in this state, pay to the state treasurer, for the exclusive use and benefit of the State of Montana, a license tax for engaging in and carrying on such business;'' *computed at the following rates:*

Beginning July 1, 1957.

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License tax rates. 2%.

(a) two per cent of an amount determined by multiplying the number of producing wells of such person on each lease or unit by the total gross value of the first four hundred fifty (450) barrels of petroleum and other mineral or crude oil produced from such lease or unit in each calendar quarter;

2½%

(b) two and one half per cent of the total gross value of all such production of such person in excess of the first four hundred fifty (450) barrels per calendar quarter from each lease or unit; "but in determining the amount of such tax there shall be excluded from consideration all petroleum, or other crude or mineral oil produced and used by such person during such year in connection with his operations in prospecting for, developing and producing such petroleum, crude or mineral oil; provided, however, that nothing in this act shall be construed as requiring laborers or employees, hired or employed by any person, to drill any oil well, or to work in or about any oil well, or prospect or explore for, or do any work for the purpose of developing any petroleum or other mineral or crude oil to pay such license tax, nor shall any work be done, or the drilling of any well or wells, for the purpose of prospecting or exploring for petroleum or other mineral or crude oils, or for the purpose of developing same, be deemed to be engaging in or carrying on of any such business; provided, further, that in the doing of any such work, or in the drilling of any oil well, or in such prospecting, exploring or development work, any merchantable or marketable petroleum or other mineral or crude oil in excess of the quantity required by such person for carrying on such operation shall be produced sufficient in quantity to justify the marketing of the same, then such work, drilling, prospecting, exploring or development work shall be deemed to be the engaging in and carrying on of such business within this state within the meaning of this section."

Exclusion.

Proviso— not applicable to certain persons.

Proviso— within this act.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective July 1, 1957.

Section 3. This act shall be in full force and effect from and after the first day of July, 1957.

Approved March 12, 1957.

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CHAPTER 222

An Act to Amend Section 84-5606, Revised Codes of Montana, 1947, Relating to the Excise Tax on Cigarettes and Amend Section 84-5608, Relating to Discount on Insignia Purchased; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-5606 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows, to wit:

Cigarette tax levy increased.

"84-5606. **The Tax.** Subdivision—(1) From and after the effective date of this amendatory law, there is hereby levied, imposed and assessed, and there shall be collected and paid to the State of Montana, upon cigarettes sold or possessed in this state, the following excise tax which shall be paid prior to the time of sale and delivery thereof, to-wit: *Five* cents *(5¢)* on each package containing not more than twenty (20) cigarettes, and when packages shall contain more than twenty (20) cigarettes, then *five* cents *(5¢)* on each twenty (20) or fraction of twenty (20) cigarettes contained in such package.

Excise tax in addition to excise tax imposed by subdivision (1) hereof.

"Subdivision—(2) From and after the effective date of this amendatory law there is hereby levied, imposed and assessed, and there shall be collected and paid to the State of Montana, upon cigarettes sold or possessed in this state, the following excise tax, in addition to the excise tax on cigarettes, levied, imposed and assessed by subdivision (1) of this section 84-5606, an additional tax which shall be paid prior to the time of sale and delivery of such cigarettes, to-wit:

Two cents.

"Two cents (2¢) on each package containing not more than twenty (20) cigarettes, and when packages shall contain more than twenty (20) cigarettes, then two cents (2¢) on each twenty (20) or fraction of twenty (20) cigarettes contained in such package; which additional tax shall continue in force until the payment and retirement of all bonds of the State of Montana, and the payment of interest thereon, issued for the purpose of paying an honorarium to the residents of this state who

Additional tax to continue until payment and retirement of bonds and interest.

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were in military service in the military forces of the United States in world war II.

Insignia—procedure.

"Within seventy-two (72) hours after receipt by the distributor or dealer of any such cigarettes, except as hereinafter provided, he shall cause to be securely affixed thereto, the required insignia denoting the tax thereon. Said insignia shall be properly cancelled prior to sale or removal for consumption under such regulations as the board may prescribe. Each package shall have the required insignia to affix thereto in such a manner that the insignia will be destroyed when the package is opened. Every person who shall make, alter, forge or counterfeit any license stamp or insignia provided for in this law, or who shall assist or be concerned therein, or who shall have in his possession any altered, forged, counterfeit or spurious stamp, license or insignia, with intent to defraud the state, is guilty of forgery, and shall be punished by imprisonment in the state prison for not less than one (1) year or more than fourteen (14) years."

Forgery, punishment.

Amending clause.

Section 2. That section 84-5608 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows, to wit:

Insignia purchased at discount.

"84-5608. *Insignia* **Purchased at Discount.** Every licensed distributor and *dealer will* be entitled to purchase said insignia at a discount of *eight* per cent *(8%)* of their face value, upon payment therefor." *This discount is not applicable to that portion of the tax collected for any veterans' honorarium.*

Not applicable.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1957.

CHAPTER 223

An Act to Amend Section 53-114, Replacement Volume Number 3 of the Revised Codes of Montana, 1947, as Amended by Section 1, Chapter 256, Laws of 1955, Relating to Application for Registration of Motor Vehicles and Payment of License Fees Thereon — Assessment of Motor Vehicles in the Stock of Licensed

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Motor Vehicle Dealers as Merchandise — Proportional Registration of Fleets of Vehicles Engaged in Interstate Commerce, by Deleting the Provision of Proportional Registration of Fleets of Vehicles Engaged in Interstate Commerce; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 53-114, replacement volume No. 3 of the Revised Codes of Montana, 1947, as amended by section 1, chapter 256, laws of 1955, be, and the same is hereby amended to read as follows:

Application for registration for each motor vehicle.

"53-114. (1759) **Application for Registration of Motor Vehicles and Payment of License Fees Thereon — Assessment of Motor Vehicles in the Stock of Licensed Motor Vehicle Dealers as Merchandise.** (1) Every owner of a motor vehicle operated or driven upon the public highways of this state shall, for each motor vehicle owned, except as herein otherwise expressly provided, file, or cause to be filed, in the office of the county treasurer wherein such motor vehicle is owned or taxable, an application for registration, or reregistration, upon blank form to be prepared and furnished by the registrar of motor vehicles, executed in quintuplet, which application shall contain:

Contents of application.

"(a) Name and address of owner, giving county, school district, and town or city within whose corporate limits the motor vehicle is taxable.

"(b) Name and address of conditional sales vendor, mortgagee or holder of other lien against said motor vehicle, with statement of amount owing under such contract or lien.

"(c) Description of motor vehicle, including make, year model, engine and serial number, manufacturer's model or letter, gross weight, type of body and, if truck, the rated capacity.

"(d) In case of re-registration, the license number for the preceding year.

"(e) Such other information as the registrar of motor vehicles may require.

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Assessor to enter valuation on application.

"(2) Before filing such application with the county treasurer, the applicant shall submit the same to the county assessor of said county and said county assessor shall enter on said application in a space to be provided for that purpose, the full and true and the assessed valuation of said vehicle for the year for which said application for registration is made.

Registration fee, property taxes to be paid on filing application.

"(3) The applicant shall, upon the filing of said application (1) pay to the county treasurer the registration fee, as provided in section 53-122 and section 53-115, and shall also at such time (2) pay the personal property taxes assessed against said vehicle for the current year of registration (unless the same shall have been theretofore paid for said year) before the application for registration or re-registration may be accepted by the county treasurer. The county treasurer is hereby empowered to make full and complete investigation of the tax status of said vehicle and any applicant for registration or re-registration must submit proof with respect thereto from the tax records of the proper county at the request of the county treasurer.

Tax computed on preceding year's levy.

"(4) The amount of taxes on said motor vehicle shall be computed and determined by the county treasurer on the basis of the levy of the year preceding the current year of application for registration or re-registration and such determination shall be entered on the application form in a space provided therefor.

Motor vehicles assessable Jan. 1st each year.

"(5) Motor vehicles, except as hereinafter provided, are hereby declared to be assessable for taxation as of and on the first day of January in each year irrespective of the time fixed by law for the assessment of other classes of personal property, and irrespective of whether or not the levy and tax may be a lien upon real property within the State of Montana, provided that in no event shall any motor vehicle be the subject to assessment, levy and taxation more than once in each year, and provided, further, that new motor vehicles, and used motor vehicles which have not previously been assessed and licensed during the current year, when held for sale in the stock of any duly licensed motor vehicle dealer or used motor vehicle dealer, are hereby declared to be merchandise and shall be assessed as of

Proviso— excepting new vehicles for sale, assessed in March of each year.

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the first Monday in March in each year in the same manner as other stocks of merchandise.

Original registrant to pay vehicle sales tax.

"(6) The applicant for original registration of any wholly new and unused motor vehicle acquired by original contract after the first day of January of any year shall be required, whenever such vehicle has not been otherwise assessed, to pay the motor vehicle sales tax provided by section 53-617, Revised Codes of Montana, 1947, irrespective of whether or not such vehicle was in the State of Montana on the first day of January of such year.

County treasurer—procedure.

"(7) Upon accepting application for registration or re-registration of any motor vehicle which is subject to taxation in this state on January 1st in any year, and upon payment of taxes, the county treasurer shall stamp on said application: 'Taxes on this vehicle due January 1st of current year paid by applicant, prior applicant or owner and this vehicle is eligible for registration.'

"Upon accepting application for registration of any motor vehicle which was not subject to taxation in this state on January 1st in any year, the county treasurer shall indicate such fact by proper entry on said application; and in case such motor vehicle shall have been assessed for taxation as a part of the stock of merchandise of a licensed dealer, the county treasurer shall indicate such fact by proper entry on said application, and the applicant for registration shall not be required to pay the personal property tax on any motor vehicle so assessed as merchandise.

Exception where part of stock of merchandise.

Registrar, authority.

"(8) The registrar of motor vehicles shall have authority to make proper entry on any certificate of title to any motor vehicle respecting payment of taxes in accord with the facts."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1957.

CHAPTER 224

An Act to Amend Section 40-1302, Revised Codes of Montana, 1947, Relating to License Fees of Insurance

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Corporations, Associations, and Societies and Adding to Said Section a Paragraph Providing that Said License Fees Shall be in Lieu of All Other Taxes, Licenses, Fees and Charges Save and Except Fees Prescribed by Title 40, Revised Codes of Montana, 1947, Taxes on Real and Tangible Personal Property Located in This State and Taxes Provided by Section 82-1231, Revised Codes of Montana, 1947; Providing for Repeal of All Acts and Parts of Acts in Conflict Herewith and Providing That This Act Shall Apply to Taxable Years Beginning After December 31, 1956.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 40-1302, Revised Codes of Montana, 1947, be and the same is hereby amended to read as follows:

Annual license required to do business in the state.

"40-1302. (6112) **License Fee.** All insurance corporations, associations, and societies, as hereinbefore specified in the preceding section, before commencing to do business in the State of Montana, shall be required to secure a license, authorizing them to transact business of insurance corporations, associations, or societies, and shall *annually* pay to the state auditor, for such license, the following fees:

Fees.

"For a license to collect in any one year premiums amounting to five thousand dollars or less, one hundred and twenty-five dollars.

"For a license to collect in any one year premiums over the sum of five thousand dollars, the sum of twenty dollars for each and every one thousand dollars to be so collected; *provided that for each of the calendar years of 1957 and 1958 the license fee shall be the sum of twenty-two dollars and fifty cents for each and every one thousand dollars to be collected;* provided, *further* that, where any insurance corporation, association, or society has fifty per cent of its capital stock invested in Montana securities, such insurance corporation, association, or society shall be allowed to deduct whatever tax it may have already paid from the amount due for such license fee or tax, as herein provided."

Proviso— 1957 and 1958 license fees.

Proviso— deduction allowed for tax paid by certain licensees.

With respect to authorized insurers, the annual premium tax provided by this section shall when paid be pay-

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ment in full and in lieu of all other demands for any and all state, county, city, district, municipal, and school taxes, licenses, fees and excises of whatever kind or character, excepting only the fees prescribed by this title, taxes on real and tangible personal property located in this state and taxes payable under section 82-1231, Revised Codes of Montana, 1947, and demands for state, county, city, district, municipal, and school taxes, licenses, fees and excises made because of operations prior to January 1, 1957.

Authorized insurers—annual premium tax paid hereunder to be payment in full in lieu of, what.

Section 2. That all acts or parts of acts in conflict herewith except other sections of title 40, Revised Codes of Montana, 1947, be, and the same hereby are, repealed.

Repealing clause, exceptions.

Section 3. The provisions of this act shall apply to taxable years beginning after December 31, 1956.

Applcable to taxable years beginning after Dec. 31, 1956.

Approved March 12, 1957.

CHAPTER 225

An Act to Amend Section 31-105 of Replacement Volume 3 of the Revised Codes of Montana, 1947, as Amended by Chapter 268 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to Qualifications of Patrolmen — Salary — Probationary Training — Discharge — Demotion — Suspension — Hearing; by Fixing Base Salary Schedules of Captains, Sergeants and Patrolmen; by Eliminating the Maximum Allowable Salary Increase by Board; and Providing for an Annual One Per Cent (1%) Increase of Base Salary for Each Year of Service; by Making a Wilful Disobedience of Rules and Regulations as Cause for Discharge, Demotion or Suspension; by Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 31-105 of replacement volume 3 of the Revised Codes of Montana, 1947, as amended by chapter 268 of the session laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

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Board to designate captains, sergeants, patrolmen.

"31-105. **Qualifications of Patrolmen — Salary — Probationary Training — Discharge — Demotion — Suspension — Hearing.** The board shall designate captains, *not to exceed five (5) in number,* sergeants, and patrolmen in such numbers as the board may deem necessary. Said patrolmen shall be chosen in equal numbers in the twelve (12) highway districts, provided however, that if sufficient qualified applications are not received from any one district that the board may in its discretion substitute other qualified applicants from any other districts. Replacements and additions to the force shall be selected in the same manner. The salary of the captains, sergeants and patrolmen shall be fixed by the board, with the approval of the state board of examiners, provided that the base salary for the captains shall be four hundred *and twenty-five* dollars ($425.00) per month, the base salary for sergeants shall be *four* hundred dollars ($400.00) per month, the base salary for patrolmen shall be three hundred and *seventy-five* dollars ($375.00) per month, the base salary for probationary patrolmen shall be *three* hundred dollars ($300.00) per month. In the event that said probationary patrolman is appointed permanently, he shall, at the time of *such* appointment, *receive the base salary of patrolman. These salaries shall be increased one per cent (1%) per year for each additional year of service.* Captains and sergeants shall be selected from the patrolmen by the supervisor, subject to the approval of the highway patrol board. The duties and jurisdiction of the captains and sergeants shall be outlined, defined and under the control of the supervisor, subject to the approval of the Montana highway patrol board.

Base salary for captains.

Sergeants.

Patrolmen.

Probationary patrolmen.

Salary increase of 1% per year.

"(a) Patrolmen shall possess the following qualifications:

Qualifications of patrolmen.

"1. Sound and active physical and mental condition.

"2. Good moral character.

"3. Resident of Montana for at least five (5) years last past.

"4. Pass a satisfactory test in the operation of automobiles.

"5. Not over fifty-five percent (55%) of the patrol shall belong to one political party.

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"6. Citizen of the United States and State of Montana.

"For the purposes of this act, the supervisor, captains, sergeants and patrolmen shall all be deemed patrolmen. The Montana highway patrol board shall prepare a schedule of compensation and expenses for all patrolmen and submit it to the state board of examiners for their approval, in conformity with this act. All patrolmen shall be placed under probationary training and service for a period of six (6) months to one (1) year, during which time the highway patrol supervisor must recommend to the highway patrol board for permanent appointments or the patrolmen will automatically be dismissed. All captains and sergeants shall be placed under probationary training and service for a period of six (6) months to one (1) year, during which time the highway patrol supervisor must recommend to the highway patrol board for permanent appointments or the captains and sergeants will automatically revert to their previous ranks without prejudice. Patrolmen filling vacancies caused by the incumbents' entrance into the armed forces of the United States, shall, on the return of the incumbents be placed in the patrol reserve, without pay; otherwise they shall hold their permanent appointments while there are sufficient operating funds. Reserve patrolmen shall then be used for future replacements in the permanent patrol.

Supervisor, captains, sergeants and patrolmen all deemed patrolmen.

Probationary training.

Vacancies due to entry into armed forces.

"Every person employed or appointed and designated as a supervisor, captain, sergeant, or patrolman under and pursuant to the provisions of this act, except as above provided, shall continue in service and hold his position without demotion until suspended, demoted, or discharged in the manner hereinafter provided, for one or more of the causes specified in the following paragraph.

Tenure of employment.

"(b) Cause for suspension, demotion, or discharge will be:

Causes for suspension, demotion, discharge.

"1. Conviction of any crime involving moral turpitude in any court of competent jurisdiction subsequent to the commencement of such employment.

"2. Gross neglect of duty or wilful violation or disobedience of orders or regulations.

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"3. Loitering about or entering places of ill fame, ill repute, or where gambling is known to be conducted or to be in progress, except in the immediate discharge of duty.

"4. Conduct unbecoming an officer.

"5. Drinking intoxicating liquor while using state-owned cars or in uniform, or being intoxicated in a public place.

"6. Sleeping while on duty.

"7. Incapacity, or partial incapacity, materially affecting his ability to perform his official duties.

"8. Gross inefficiency in performing duties.

"9. Active participation in any political campaign by supporting or opposing, directly or indirectly, any political candidate, or contributing financially or otherwise, directly or indirectly, to the success or defeat of any political party or candidate."

Wilful disobedience added.

10. Wilful disobedience of rules and regulations adopted by the board, governing the conduct and discipline of members of the patrol.

Filing charges, procedure.

"The charge or charges against any such employee shall be made in writing and shall be signed and sworn to by the person making the same, which written charge or charges shall be filed with the supervisor of the Montana highway patrol. Any charges involving suspension or dismissal of the supervisor or a captain shall be filed directly with the highway patrol board.

Hearing or dismissal of charges by supervisor.

"Upon the filing of the same, if the supervisor, in his opinion, believes that such charges constitute grounds for discharge, he shall order a hearing to be had thereon before the highway patrol board and fix a time for such hearing, otherwise he shall dismiss such charges.

Notice.

"(c) At least ten (10) days before the time appointed for said hearing, written notice specifying the charge or charges filed and stating the name of the person or persons making the charge or charges shall be served on the said employee personally, if his whereabouts is known, in the State of Montana. If at the time, the whereabouts of the said employee is unknown, or if he be outside of the State of Montana, service may be made upon him

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by mailing the said written notice to him at his last known place of residence in Montana.

May be suspended pending decision.

"If the supervisor orders a hearing he may suspend such employee pending the rendition of the decision made in such case.

Board to hear charges.

"The highway patrol board shall be the authority to hear such charge or charges and render a decision and appropriate order.

Power to subpoena.

"The highway patrol board shall have the power to compel the attendance of witnesses at any such hearing and to examine them under oath and to require the production of books, papers, and other evidence at such hearing and for that purpose issue subpoenas and cause the same to be served and executed in any part of the state.

Employees' rights.

"The employee accused shall be entitled to be confronted with the witnesses against him and have an opportunity to cross-examine the same and to introduce at such hearing testimony in his own behalf and shall be entitled to be represented by counsel at such hearing. The highway patrol board shall within fifteen (15) days after such hearing render its decision in writing and file same in its office with the supervisor and with the employee accused also.

Board may penalize.

"If, after such hearing, the highway patrol board finds that any such charge or charges made against the employee are true, it may punish the offending party by reprimand, suspension without pay, demotion, or dismissal.

Appeal to district court.

"(d) Any employee who is so suspended, demoted, or dismissed may have a right of appeal to the district court of Lewis and Clark county, within ten (10) days after such decision or determination of the highway patrol board, and said court shall review such decision or determination in a summary manner and shall render its decision upon such appeal within ninety (90) days from the filing of such appeal in said court. If such decision or determination of the highway patrol board shall be finally reversed or modified by said court, the said employee shall be reinstated in his position and the highway patrol board shall pay to the said employee any salary or wages withheld from him pending the

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determination of the charge or charges, or as may be directed by the court.

Board may order charge filed.

"The highway patrol board shall have the authority to order the supervisor to file charges with the board if the supervisor in his judgment does not believe the charge or charges warrant a hearing.

Disciplinary power of supervisor—board approval required.

"When the highway patrol supervisor has cause to believe that any member of the highway patrol has violated any of the hereinabove specified grounds for suspension, demotion or discharge, or his conduct has warranted reprimanding, he may, with the approval of the Montana highway patrol board, suspend, demote or reprimand the member. Suspension shall be without pay and for a period not to exceed twenty (20) days in time. In cases of demotion, the member shall receive the pay of the classification to which he is demoted."

Limitation.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 12, 1957.

CHAPTER 226

An Act Creating a Commission to Make a Comprehensive and Constructive Study of the Tax Structure and Educational System of the State of Montana, Creating the Commission on Taxation and Education and Prescribing the Powers and Duties of the Commission; Providing for Selection of an Executive Secretary and Other Personnel; Appropriating Funds for the Expense Thereof and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Purpose of this act.

Section 1. The purposes of this act are to provide for an entire complete and constructive study and review of the entire tax structure and educational system of the State of Montana and to recommend a program of improvement with equitable uniform taxation of all property and sources of revenue and to include such changes as will serve to simplify, improve and modernize taxation and the educational system in the State of Montana and to provide adequate revenue for future needs of government and schools.

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Commission on taxation and education created, appointment of members.

Section 2. There is hereby created a commission on taxation and education to be appointed by the governor from the following organizations, industries, businesses and groups:

Membership.

Two (2) members representing business and industry.

Two (2) members representing organized labor.

Two (2) members representing farmers.

Two (2) members representing livestock industry.

Two (2) members representing education.

Chairman and executive secretary, other personnel.

Compensation.

The commission shall select its own chairman and is hereby authorized to hire an executive secretary and other necessary personnel to carry out the provisions of this act. Members of the commission shall receive per diem at the rate of fifteen dollars ($15.00) per day and other expenses as are provided by law while attending official meetings.

Report, recommendations and proposed legislation to governor by Dec. 1, 1958.

Section 3. The commission shall report its findings, recommendations and such proposed legislative enactments as it deems necessary to carry out the purposes of this act to the governor of the State of Montana as soon as completed but not later than the first day of December, 1958.

Supplemental appropriation of $35,000.00.

Section 4. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of thirty-five thousand dollars ($35,000.00) for the purpose of this act. This appropriation shall be deemed a supplemental appropriation within the meaning of the budget act and shall be valid upon the final passage and approval of this act.

Effective immediately.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1957.

CHAPTER 227

An Act to Amend Section 84-4907.1 of the Revised Codes of Montana, 1947, Being Chapter 43 of the Laws of 1953; Relating to Veterans' Bonus Exemption from Income Tax Law; Providing That All Payments Made Under

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Korean Bonus Law and Veterans' Bonus Law Shall be Exempt from Taxation; to Amend Section 84-4914 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 34 of the Laws of 1949, as Amended by Section 8 of Chapter 260 of the Laws of 1955; Relating to Persons Required to Make Returns; Providing That Persons With Incomes Over Set Minimums Shall Be Liable for an Income Tax Return to Be Filed According to Instructions of the Board; Providing for Computation and Payment of Income Tax and Refund of Excess Payment of Same; Providing for Examination and Verification by the Board and for Payment of Deficiency on Understatement of Tax and Penalty for Nonpayment of Such Deficiency Including Interest; to Amend Section 84-4943 of the Revised Codes of Montana, 1947, Being Chapter 246 of the Laws of 1955, Relating to Deduction and Withholding Tax from Wages and Amount Thereof; Deleting Tax Percentage to Be Withheld and Providing That Tax to Be Withheld Be Determined from Tax Tables Prepared and Issued by the Board; Exempting Persons on Active Duty With Armed Forces of the United States from This Section; Repealing Section 84-4925 of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 78, of the Laws of 1951, Section 84-4944, of the Revised Codes of Montana, 1947, Being Chapter 246 of the Laws of 1955, Section 84-4949 of the Revised Codes of Montana, 1947, Being Chapter 246 of the Laws of 1955, and 84-4952 of the Revised Codes of Montana, 1947, Being Chapter 246 of the Laws of 1955 and All Acts and Parts of Acts In Conflict Herewith; Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-4907.1 of the Revised Codes of Montana, 1947, being chapter 43 of the laws of 1953, be, and the same is hereby amended to read as follows:

Korean and veterans' bonus law payments exempt from income tax.

"84-4907.1. **Veterans' Bonus—Exemption from Income Tax Law.** All payments made *under the Korean bonus law and the* veterans' bonus law, are hereby exempt from taxation under the income tax laws of the state of Montana, and any income tax which has been or may hereafter be paid on income received from this source shall be considered an overpayment and shall be refunded upon the filing of an amended return and a verified claim for re-

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fund on forms prescribed by the board, in the same manner as other income tax refund claims are paid."

Amending clause.

Section 2. That section 84-4914 of the Revised Codes of Montana, 1947, as amended by section 1 of chapter 34 of the laws of 1949, as amended by section 8 of chapter 260 of the laws of 1955, be, and the same is hereby amended to read as follows:

Persons required to make returns, net income.

"84-4914. (2295.14) *Returns and Payment of Tax—Penalty and Interest—Refunds—Credits. (1)* Every person having a net income for the taxable year of *six hundred* dollars *($600.00)* or over, if single or if married and not living with or supporting a husband or wife or family, or of *twelve hundred* dollars *($1,200.00)* or over, if married and living with husband or wife, or if he is the head of a family, or a gross income for the taxable year of *twelve* hundred dollars *($1,200.00)* or over, regardless of the amount of his net income, *shall be liable for an income tax return, to be filed on such forms and according to instructions set forth by the board.*

May be made by agent.

"If any such person is unable to make his own return, the return shall be made by a duly authorized agent or by a guardian or other person charged with the care of the person or property of such persons."

All taxpayers to compute amount of income tax payable.

(2) All taxpayers, including, but not limited to those subject to the provisions of sections 84-4939, and 84-4943 as amended shall compute the amount of income tax payable and shall at the time of filing the return required by this act, pay to the board any balance of income tax remaining unpaid after crediting the amount withheld as provided by section 84-4943 as amended and/or any payment made by reason of an estimated tax return provided for in section 84-4939 as amended, provided however, the tax so computed is greater by one dollar ($1.00) than the amount withheld and/or paid by estimated return as provided in this act.

Payment of balance of tax after crediting withholding or estimated payment.

Proviso—that computed tax is greater by $1.00 than such credits.

Refund of excess over $1.00.

If the amount of tax withheld and or payment of estimated tax exceeds by more than one dollar ($1.00) the amount of the income tax as computed, the taxpayer shall be entitled to a refund of the excess.

Verification by board.

(3) As soon as practicable after the return is filed, the board shall examine and verify the tax.

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Deficiency to be paid within 30 days after notice, plus interest.

(4) If the amount of tax as verified is greater than the amount theretofore paid, the excess shall be paid by the taxpayer to the board within thirty (30) days after notice of the amount of the tax as computed with interest added at the rate of one per centum (1%) per month or fraction thereof on the additional tax. In such case there shall be no penalty because of such understatement, provided the deficiency is paid within thirty (30) days after the first notice of the amount is mailed to the taxpayer.

No penalty.
Proviso.

Non-payment of deficiency penalty.

If payment is not made within thirty (30) days or if the understatement is due to negligence on the part of the taxpayer, but without fraud, there shall be added to the amount of the deficiency five per centum (5%) thereof, provided, however, that no deficiency penalty shall be less than two dollars ($2.00). Interest will be computed at the rate of one per centum (1%) per month for each month or fraction thereof on the additional assessment with penalty added. Except unless otherwise expressly provided in this subdivision, the interest shall in all cases be computed from the date the return and tax was originally due to the date of payment.

Minimum penalty.
Interest.

Additional interest on extension of time.

If the time for filing a return is extended, the taxpayer shall pay in addition, interest thereon at the rate of six per centum (6%) per annum from the time when the return was originally required to be filed to the time of payment.

Amending clause.

Section 3. That section 84-4943 of the Revised Codes of Montana, 1947, being section 2 of chapter 246 of the laws of 1955, be, and the same is hereby amended to read as follows:

Employer to withhold tax on wages according to tables prepared and issued by the board.

"84-4943. **Deduction and Withholding of Tax From Wages — Amount.** Every employer making payment of wages shall deduct and withhold upon such wages, a tax determined in accordance with *the* withholding tax tables which shall be prepared and issued by the board." *Persons on active service as a member of the armed forces of the United States shall not be subject to the provisions of this section.*

Members of armed forces on active duty excluded.

Repealing clause. Sections 84-4925, 84-4944, 84-4949 84-4952, as amended, R.C.M., 1947, repealed.

Section 4. That section 84-4925 of the Revised Codes of Montana, 1947, as amended by section 1 of chapter 78 of the laws of 1951, section 84-4944 of the Revised Codes of Montana, 1947, being section 3 of chapter 246 of the laws of 1955, section 84-4949 of the Revised Codes of

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Montana, 1947, being section 3 of chapter 246 of the laws of 1955, section 84-4952 of the Revised Codes of Montana, 1947, being section 11 of chapter 246 of the laws of 1955, and all acts and parts of acts in conflict herewith are hereby repealed.

Section 5. This act shall be effective as to all taxable periods ending on or after December 31, 1957, whether on the calendar or fiscal year basis. Effective to taxable periods after Dec. 31, 1957.

Approved March 12, 1957.

CHAPTER 228

An Act to Amend Section 84-4902 of the Revised Codes of Montana, 1947, Relating to Rate of Income Tax; Providing the Rate of Tax on One Thousand Dollar Brackets up to Seven Thousand Dollars and in Excess Thereof; Containing a Repealing Clause and Containing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 84-4902 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"84-4902. (2295.2) **Rate of Income Tax.** There shall be levied, collected and paid for each taxable year upon the net income of every individual subject to this tax, after making allowance for exceptions and deductions, as hereinafter provided, a tax at the following rates, to-wit: Rate of income tax.

"(a) On the first *one* thousand dollars ($*1*,000.00) of net income, or any part thereof, at the rate of one per centum (1%); First one thousand, 1%;

"(b) On the *next one* thousand dollars ($*1*,000.00) of net income, or any part thereof, at the rate of *one and one-half* per centum *(1 1/2%)*; next one thousand, 1½%;

"(c) On the *next one* thousand dollars ($*1*,000.00) of net income, or any part thereof, at the rate of *two* per centum *(2%)*; next one thousand, 2%;

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next one thousand, 2½%;

"(d) On *"the next one thousand dollars ($1,000.00) of net income, or any part thereof, at the rate of two and one half per centum (2 1/2%);*

next one thousand, 3%;

(e) On the next one thousand dollars ($1,000.00) of net income, or any part thereof, at the rate of three per centum (3%);

next one thousand, 3½%;

(f) On the next one thousand dollars ($1,000.00) of net income, or any part thereof, at the rate of three and one-half per centum (3 1/2%);

next one thousand, 4%;

(g) On the next one thousand dollars ($1,000.00) of net income, or any part thereof, at the rate of four per centum (4%);

income in excess of $7,000.00 at 5%.

(h) "On any net income in excess of *seven* thousand dollars ($7,000.00) at the rate of *five* per centum *(5%)."*

Repealing clause.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Effective for taxable periods after Dec. 31, 1957.

Section 3. This act shall be effective as to all taxable periods ending on or after December 31, 1957, whether on the calendar or fiscal year basis.

Approved March 12, 1957.

CHAPTER 229

An Act to Amend Section 10, Chapter 39, of the Laws of the Twenty-ninth Legislative Assembly of the State of Montana, 1945, as Amended by Chapter 255 of the Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to the License Tax Paid by Gasoline Dealers to the State Board of Equalization and Fixing the Amount Thereof; Providing for an Effective Date; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 10 of chapter 39, of the laws of the twenty-ninth legislative assembly of the State of Montana, 1945, as amended by chapter 255 of the laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

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"Section 10. For the purpose of providing funds for the payment of the interest upon the maturing principal of the state highway treasury anticipation debentures herein provided for, every dealer as referred to and defined in the gasoline license tax laws of the State of Montana now in effect, until the principal and interest of all debentures issued under the authority of this act shall have been paid, shall pay to the state board of equalization for deposit in the state treasury, a license tax for the privilege of engaging in and carrying on such business in this state, in an amount equal to seven cents (7¢) for each gallon of gasoline (as defined in section 84-1801, *subsections 1 (a), 1 (b) and subsection 8* (2381.11), Revised Codes of Montana, 1947, *(and acts amendatory),* for the period commencing *March 31, 1957* and ending *January 15, 1958,* refined, manufactured, produced or impounded by such dealer, and distributed, used or sold by him in this state, or shipped, transported or imported by such dealer into and distributed, used or sold by him within this state; after it has arrived in and is brought to rest within this state, whether sold in the original packages or in broken packages; provided that all gasoline delivered by any dealer to any of his own service stations in this state shall be deemed to have been sold, and shall be treated and considered as sold, in computing such license tax, in the same manner as though the same had been sold to other persons." *In making the computation of license tax due and in making payments thereof, two per cent (2%) of the amount of such tax shall be deducted by the dealer as an allowance for evaporation and other loss of gasoline handled by such dealer.* "No gasoline used or sold by such dealer, which was purchased by him from a dealer who has paid the tax thereon, shall be included or considered in determining the amount of such license tax to be paid by such dealer, and no gasoline exported by such dealer out of the State of Montana shall be included in the computation of any dealer's license tax herein provided for."

Per gallon license tax, for payment of interest on principal of state highway treasury anticipation debentures.

Tax.

Term of tax.

2% deduction for evaporation and other loss.

Exclusions for computation of tax.

Section 2. All acts or parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after March 31, 1957, to and through January 15, 1958.

Effective Mar. 31, 1957 through Jan. 15, 1958.

Approved March 12, 1957.

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CHAPTER 230

An Act Relating to a License Tax for Gasoline Dealers; Providing That Such License Tax Shall be Seven Cents on Each Gallon of Gasoline Sold or Distributed; Providing for a Deduction from Such Tax for Evaporation; Providing for an Effective Date for Such Tax; Repealing the License Tax Provided in Section 10 of Chapter 39, Laws of Montana, 1945, as Amended; and Providing an Effective Date of This Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Dealers' license tax.

Section 1. Beginning January 16, 1958, every dealer (as defined in section 84-1801 of the Revised Codes of Montana, 1947, and acts amendatory) shall, when engaged in the business of producing, refining, manufacturing or compounding gasoline for sale or use, or importing gasoline into the State of Montana or purchasing gasoline within the State of Montana for sale or use; pay to the state board of equalization, a license tax for the privilege of engaging in and carrying on such business

Tax.

in this state, in an amount equal to six cents (6¢) for each gallon of gasoline (as defined in section 84-1801, subsections 1 (a), (b) and subsection 8 of the Revised Codes of Montana, 1947 and acts amendatory) refined, manufactured, produced or impounded by such dealer, and distributed, used or sold by him in this state, or shipped, transported or imported by such dealer into and distributed, used or sold by him within this state, after it has arrived in and is brought to rest within this state, whether sold in the original packages or in broken

Proviso.

packages; provided that all gasoline delivered by any dealer to any of his own service stations in this state shall be deemed to have been sold, and shall be treated and considered as sold, in computing such license tax, in the same manner as though the same had been sold to

2% deduction allowed for evaporation and other loss.

other persons. In making the computation of license tax due and in making payment thereof, two percent (2%) of the amount of such tax shall be deducted by the dealer as an allowance for evaporation and other loss of gasoline handled by such dealer. No gasoline used or sold

Exclusions from computation of tax.

by such dealer, which was purchased by him from a dealer who has paid the tax thereon, shall be included or con-

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sidered in determining the amount of such license tax to be paid by such dealer, and no gasoline exported by such dealer out of the State of Montana shall be included in the computation of any dealer's license tax herein provided for.

Repeal of section 10, ch. 39, laws of 1945, as amended, after Jan. 15, 1958.

Section 2. The license tax of seven cents (7¢) a gallon of gasoline on dealers or distributors, provided for in section 10 of chapter 39, laws of Montana, 1945, as amended, shall be repealed from and after January 15, 1958.

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective Jan. 15, 1958.

Section 4. This act shall be in full force and effect from and after January 15, 1958.

Approved March 12, 1957.

CHAPTER 231

An Act to Amend Section 53-625, Replacement Volume Number (3) of the Revised Codes of Montana, 1947, Relating to Reciprocity; by Providing for Proportional Licensing in This State of Fleets of Two or More Motor Vehicles Engaged in Interstate Commerce; Providing for the Administration of This Act by the State Highway Commission; Providing for the Issuance of Distinctive Plates, Stickers or Other Identification; Providing for Fees; Defining Certain Terms Herein; Providing That Owner's Records be Preserved for Four Years; Providing for a Penalty; Providing that State Highway Commission May Audit Books; Providing that License Fees Shall be a Lien; and Repealing All Acts and Parts of Acts in Conflict Herewith; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 53-625, replacement volume number three (3) of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"53-625. **Reciprocity**" — *Proportional Registration of fleets of motor vehicles engaged in interstate commerce.*

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Reciprocity to be granted.

(a) "Reciprocity shall be granted, notwithstanding anything to the contrary herein, in accordance with section 53-129," *Revised Codes of Montana, 1947, as amended.*

Owner or operator of fleets of two or more motor vehicles in the state in interstate commerce, how licensed.

(b) Any owner or operator engaged in operating fleets of two or more motor vehicles in this state in interstate commerce may license such fleet for operation in this state by filing a sworn application with the state highway commission and an identical copy with the county treasurer or county treasurers of the proper county or counties of licensing declaring the total mileage operated during the preceding calendar year or fiscal year, as designated by the state reciprocity board, in this state and in all states having on file with the state reciprocity board a valid agreement or arrangement providing for proportional payment of the annual fees provided in this act. Said statement shall describe and identify each such vehicle to be operated in this state during the ensuing license year. At the discretion of the state reciprocity board, such interstate fleet may be licensed on the basis of proportional vehicle proration or proportional dollar proration. For the purpose of this act proportional vehicle proration is defined as the licensing of a sufficient number of certain vehicles under this section to produce total fee payments not less than an amount obtained by applying the proportion of in-state fleet miles to total fleet miles, as reported in said statement, to the fees which would otherwise be required for total fleet licensing in this state. Proportional dollar proration is defined as the payment of sufficient fees under this section to equal the amount produced by applying the proportion of in-state fleet miles to total fleet miles, as reported in said statement, to the fees which would otherwise be required for total licensing in this state. The state highway commission, on payment of the proper fees under this section, shall upon payment of a fee of two dollars for each motor vehicle issue distinctive plates, stickers or other identification for each vehicle named in said statement identifying it as an interstate fleet which shall be exempt from all further license and weight fee requirements of this state, which may be specified in title 53, chapter 6, replacement volume number three (3) of the Revised Codes of Montana, 1947, and acts amendatory, provided, that each of such vehicles is properly and duly licensed and registered in this state or some other state, district, pos-

Valid agreement filed with board.

Discretion of reciprocity board, licenses.

"Proportional vehicle proration" defined.

"Porportional dollar proration" defined.

Highway commission to issue plates or stickers for each vehicle. Fee $2.00 each.

Exemption from further license and weight fees.

Proviso.

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session or territory of the United States or some foreign province, state or country. The proportional licensing provisions of this section shall apply to vehicles added to said fleet and operated in this state during the license year. Montana operators electing to license an interstate fleet shall comply with all requirements of this section relating to the payment of property taxes on his entire fleet.

Applicable to vehicles added to fleet.

Mileage proportions for interstate fleets not operated in this state during the preceding year will be determined by the state highway commission upon the sworn application of the applicant on forms to be supplied by the state highway commission, which will show the operations of the preceding year in other states and the estimated operation in Montana or if no operations were conducted the previous year a full statement of the proposed method of operation.

Mileage proportions determination.

Any owner or operator complying with and being granted proportional licensing shall preserve the records on which the application is made for a period of four (4) full years following the year upon which said application is based. Upon request of the state highway commission, the owner or operator agrees to make such records available to the state highway commission at its offices for audit as to accuracy of computation and payments, or to pay the costs of an audit by the state highway commission or its duly appointed representative at the home office of the owner or operator. If by audit, it is determined that the owner or operator should have licensed more vehicles or paid higher fees in Montana under provisions of this paragraph, the state highway commission may deny such owner or operator the right of any further benefits by reason of any reciprocal agreement or arrangement until the fees for such additional vehicle or vehicles which should have been licensed are paid to the state highway commission. All license fees which should have been paid under the provisions of this paragraph shall be a lien upon all the property of the owner or operator and such lien shall attach at the time the license fees shall be determined by the state highway commission and shall have the effect of an execution duly levied on such property of the owner or operator and shall so remain until said additional fees, so determined, are paid or the property sold for the payment thereof.

Records to be kept four years.

Benefits of reciprocity may be denied—noncompliance.

Lien provision.

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License and weight fees, title 53, ch. 6, R.C.M., 1957.

(c) The license and weight fees provided for in this act shall mean the fees specified in title 53, chapter 6, replacement volume number three (3) of the Revised Codes of Montana, 1947, and acts amendatory.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1957.

CHAPTER 232

An Act to Amend Section 84-1501, Revised Codes of Montana, 1947, Relating to Corporation License Tax, Organizations Exempt from Such Tax and the Rate of Such Tax; Providing for an Increase in the Rate of Such Tax; Providing an Effective Date for This Act; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

"Corporation" defined.

Section 1. That section 84-1501, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"84-1501. (2296). **Corporation License Tax — Organizations Exempt Therefrom.** The term corporation includes associations, joint stock companies, common law trusts and business trusts which do business in an organized capacity whether created under and pursuant to state laws, agreements, declarations of trust. Every corporation, except as hereinafter provided, organized and existing under the laws of the State of Montana and engaged in business therein, shall annually pay to the state treasurer, as a license fee for carrying on business in said State of Montana, *five (5)* per centum upon the total net income received by such corporation in the preceding fiscal year from all sources within the State of Montana, including interest on bonds, notes or other interest bearing obligations of residents, corporate or otherwise, and including the income derived from dividends on capital stock or from net earnings of resident corporations whose net income is taxable under this title;

Corporation license fee.

Amount.

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and every corporation, except as hereinafter provided, organized and existing under the laws of any other state or country, or the United States, and engaged in business in the State of Montana, shall annually pay for the exclusive use and benefit of the State of Montana a license fee for carrying on its business in the State of Montana of *five (5)* per centum upon the total net income received by such corporation in the preceding fiscal year from all sources within the State of Montana, including the interest on bonds, notes or other interest bearing obligations of residents, corporate or otherwise, and including the income derived from dividends on capital stock, or from net earnings of resident corporations, joint stock companies or associations whose net income is taxable under this title. Every corporation subject to taxation under this act shall, in any event, pay a minimum tax of not less than *ten dollars ($10.00)*.

Foriegn corporations license fee.

Amount.

Minimum tax $10.00— increased.

"There shall not be taxed under this title any income received by any—

First. Labor, agricultural or horticultural organization;

Exemptions, organizations specified.

Second. Mutual savings bank not having a capital stock represented by shares;

Third. Fraternal beneficiary, society, order or association operating under the lodge system or for the exclusive benefit of the members of a fraternity itself operating under the lodge system, and providing for the payment of life, sick, accident or other benefits to the members of such society, order or association or their dependents;

Fourth. Domestic building and loan associations or cooperative bank without capital stock, organized and operated for mutual purposes and without profit;

Fifth. Cemetery company owned and operated exclusively for the benefit of its members;

Sixth. Corporation or association organized and operated exclusively for religious, charitable, scientific or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual;

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Seventh. Business league, chamber of commerce, or board of trade, not organized for profit, and no part of the net income of which inures to the benefit of any private stockholder or individual;

Eighth. Civic league or organization not organized for profit, but operated exclusively for the promotion of social welfare;

Ninth. Club organized and operated exclusively for pleasure, recreation and other nonprofitable purposes, no part of the net income of which inures to the benefit of any private stockholder or members;

Tenth. Farmers' or other mutual hail, cyclone, or fire insurance company, mutual ditch or irrigation company, mutual or cooperative telephone company, or like organization of a purely local character, the income of which consists solely of assessments, dues and fees collected from members for the sole purpose of meeting its expenses;

Eleventh. Labor agricultural or horticultural cooperatives organized and operated on a cooperative basis; (a) for the purpose of marketing the products of members or other producers, and turning back to them the proceeds of sales, less the necessary marketing expenses, on the basis of either the quantity or the value of the products furnished by them, or (b) for the purpose of purchasing supplies and equipment for the use of members or other persons, and turning over such supplies and equipment to them at actual cost, plus necessary expenses. Exemption shall not be denied any such association because it has capital stock, if the dividend rate of such stock is fixed at not to exceed the legal rate of interest in the state of incorporation or 6 per centum per annum, whichever is greater, on the value of the consideration for which the stock was issued, and if substantially all such stock (other than non-voting preferred stock, the owners of which are not entitled or permitted to participate, directly or indirectly, in the profits of the association, upon dissolution or otherwise, beyond the fixed dividends) is owned by producers who market their products or purchase their supplies and equipment through the association; nor shall exemption be denied any such association because there is accumulated and maintained by it a reserve required by state law or a reasonable reserve for any necessary purpose. Such an

Exemption not to be denied, when.

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association may market the products of nonmembers in an amount the value of which does not exceed the value of the products marketed for members, and may purchase supplies and equipment for nonmembers in an amount the value of which does not exceed the value of the supplies and equipment purchased for members, provided the value of the purchases made for persons who are neither members nor producers does not exceed 15 per centum of the value of all its purchases. Business done with the United States, State of Montana or its political subdivisions shall be exempt under this act. Any cooperative association or corporation engaged in the business of operating a rural electrification system or systems for the transmission or distribution of electrical energy on a cooperative basis.

Business with U.S., state or subdivisions exempt.

Twelfth. Corporations or associations organized for the exclusive purpose of holding title to property, collecting income therefrom, and turning over the entire amount thereof, less expenses, to an organization which itself is exempt from the tax imposed by this title;

Thirteenth. In determining the license fee to be paid under this act, there shall not be included any earnings derived from any public utility managed or operated by any subdivision of the state, or from the exercise of any governmental function.''

Section 2. This act shall be effective as to all taxable periods ending on or after December 31, 1957, whether on the calendar or fiscal year basis.

Effective to taxable period after Dec. 31, 1957.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 12, 1957.

CHAPTER 233

An Act to Amend Section 84-4910 (2295.10) Revised Codes of Montana, 1947, as Amended by Chapter 196, Laws of Montana, 1949, Relating to Income Tax, by Changing the Exemption for Taxpayers and Their Dependents to Six Hundred Dollars ($600.00) for Each; Defining Dependents; Providing Additional Exemptions for the Blind and Persons Aged Sixty-

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five (65) or More and Generally Adopting the Federal Rules Relative to Exemptions; Containing a Repealing Clause and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 84-4910 of the Revised Codes of Montana, 1947, as amended by chapter 196, laws of Montana, 1949, be, and the same is hereby amended to read as follows:

Allowances of deductions, individual.

"84-4910. *(a) Allowance of Deductions. In the case of an individual, the exemptions provided by this section shall be allowed as deductions in computing taxable income.*

Exemption of taxpayer $600.00, spouse $600.00.

"(b) Taxpayer and Spouse. An exemption of six hundred dollars ($600.00) for the taxpayer; and an additional exemption of six hundred dollars ($600.00) for the spouse of the taxpayer if a separate or joint return is made by the taxpayer, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, is not the dependent of another taxpayer.

Additional exemption for taxpayer of 65 years or over, $600.00.

"(c) Additional Exemption for Taxpayer or Spouse Aged Sixty-five (65) or More. (1) For taxpayer. An additional exemption of six hundred dollars ($600.00) for the taxpayer if he has attained the age of sixty-five (65) before the close of his taxable year.

Spouse 65 years or over, $600.00

(2) For spouse. An additional exemption of six hundred dollars ($600.00) for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse has attained the age of sixty-five (65) before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

Blindness of taxpayer, additional exemption of $600.00.

"(d) Additional Exemption for Blindness of Taxpayer or Spouse. (1) For taxpayer. An additional exemption of six hundred dollars ($600.00) for the taxpayer if he is blind at the close of his taxable year.

Blindness of spouse, additional $600.00.

(2) For spouse. An additional exemption of six hundred dollars ($600.00) for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income

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and is not the dependent of another taxpayer. For purposes of this paragraph, the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer; except that if the spouse dies during such taxable year such determination shall be made as of the time of such death.

Determination at close of taxable year.

Exception—death of spouse.

(3) Blindness defined. For purposes of this subsection, an individual is blind only if his central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if his visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees.

"Blindness" defined.

"(e) Additional Exemption for Dependents. (1) In general. An exemption of six hundred dollars ($600.00) for each dependent:

Additional exemptions for dependents, $600.00 for each, when.

(A) Whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than six hundred dollars ($600.00), or

Dependent's gross income less than $600.00.

(B) Who is a child of the taxpayer and who (i) has not attained the age of nineteen (19) at the close of the calendar year in which the taxable year of the taxpayer begins, or (ii) is a student.

Child of taxpayer under 19 or is a student.

(2) Exemption denied in case of certain married dependents. No exemption shall be allowed under this subsection for any dependent who has made a joint return with his spouse for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins.

Not allowed.

(3) Child defined. For purposes of paragraph (1) (B), the term 'child' means an individual who is a son, stepson, daughter, or stepdaughter of the taxpayer.

"Child" defined.

(4) Student and educational institution defined. For purposes of paragraph (1) (B) (ii), the term 'student' means an individual who during each of five (5) calendar months during the calendar year in which the taxable year of the taxpayer begins

"Student" and "educational institution" defined.

(A) Is a full time student at an educational institution; or

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(B) Is pursuing a full time course of institutional on-farm training under the supervision of an accredited agent of an educational institution or of a state or political subdivision of a state.

"For purposes of this paragraph, the term 'educational institution' means only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on.

General definition of "dependent"

"(f) General Definition. For purposes of this section, the term 'dependent' means any of the following individuals over half of whose support, for the calendar year in which the taxable year of the taxpayer begins, was received from the taxpayer:

(1) A son or daughter of the taxpayer, or a descendant of either,

(2) A stepson or stepdaughter of the taxpayer,

(3) A brother, sister, stepbrother, or stepsister of the taxpayer,

(4) The father or mother of the taxpayer, or an ancestor of either,

(5) A stepfather or stepmother of the taxpayer,

(6) A son or daughter of a brother or sister of the taxpayer,

(7) A brother or sister of the father or mother of the taxpayer,

(8) A son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law of the taxpayer,

(9) An individual who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer, and is a member of the taxpayer's household, or

(10) An individual who

(A) is a descendant of a brother or sister of the father or mother of the taxpayer,

(B) for the taxable year of the taxpayer receives institutional care required by reason of a physical or mental disability, and

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(C) before receiving such institutional care, was a member of the same household as the taxpayer.

"(g) Rules Relating to General Definition. For purposes of this section Rules relating to general definition.

(1) The terms 'brother' and 'sister' include a brother or sister by the halfblood. "Brother" and "sister."

(2) In determining whether any of the relationships specified in subsection (a) or paragraph (1) of this subsection exists, a legally adopted child of an individual shall be treated as a child of such individual by blood. Legally adopted child.

"(h) Determination of Marital Status. For purposes of this part Determination of marital status.

(1) The determination of whether an individual is married shall be made as of the close of his taxable year; except that if his spouse dies during his taxable year such determination shall be made as of the time of such death; and Exception when spouse dies.

(2) An individual legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married." Legal separation.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Section 3. This act shall be effective as to all taxable periods ending on or after December 31, 1957, whether on the calendar or fiscal year basis. Effective for taxable periods after Dec. 31, 1957.

Approved March 12, 1957.

CHAPTER 234

An Act Amending Section 92-701, Revised Codes of Montana, 1947, as Amended by Chapter 253 of the Laws of Montana, 1955, Amending Section 92-702, Revised Codes of Montana, 1947, as Amended by Chapter 253 of the Laws of Montana, 1955, Amending Section 92-703, Revised Codes of Montana, 1947, as Amended by Chapter 253 of the Laws of Montana, 1955, Amending Section 92-704, Revised Codes of Montana, 1947, as Amended by Chapter 253 of the Laws of Montana, 1955, Amending Section 92-705, Revised Codes of Montana, 1947, as Amended by Chapter 38,

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Laws of Montana, 1953, Amending Section 92-706, Revised Codes of Montana, 1947, as Amended by Chapter 253 of the Laws of Montana, 1955, Amending Section 92-709, Revised Codes of Montana, 1947, as Amended by Chapter 253 of the Laws of Montana, 1955, All Relating to Increases in Workmen's Compensation and Benefits in Cases of Temporary Total, Permanent Total or Partial Disabilities, Injury Causing Death, Burial Expenses, Specified Injuries, Medical and Hospital Services and Other Treatments; Amending Section 92-715, Revised Codes of Montana, 1947, as Amended by Chapter 225 of the Laws of Montana, 1951, Relating to Monthly Payments Being Converted into Lump Sums; Amending Section 92-807, Revised Codes of Montana, 1947, Relating to Notice of Claims for Injury Other than Death; and Providing that in the Event of a Dispute Concerning a Workmen's Compensation Claimant's Physical Condition the Claimant May be Required to Take a Physical Examination; Repealing All Acts or Parts of Acts in Conflict Herewith; and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 92-701, Revised Codes of Montana, 1947, as amended by chapter 253 of the laws of Montana of 1955, be, and the same is hereby amended to read as follows:

Rates for temporary total disability, increased.

"92-701. **Compensation for Injury Producing Temporary Total Disability.** Where the injured employee has no wife, child, father, mother, brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-eight dollars ($28.00)* per week; where the injured employee has a wife, or child, or father or mother, or brother or sister residing within the United States, who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars ($30.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or

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two (2) or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-three and 50/100 dollars ($33.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-six and 50/100 ($36.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *forty dollars ($40.00)* per week; where the injured employee has a wife and four (4) or more children, or five (5) or more children residing in the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *forty-two and 50/100 dollars ($42.50)* per week, and subject in all cases to a minimum compensation of *twenty-five and 50/100 dollars ($25.50)* per week, and subject to change when the number of beneficiaries or dependents *increases by birth, or* decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding three hundred (300) weeks from the date of injury."

Amending clause.

Section 2. That section 92-702, Revised Codes of Montana, 1947, as amended by chapter 253 of the laws of Montana of 1955, be, and the same is hereby amended to read as follows:

Rates for permanent total disability, increased.

"92-702. **Compensation for Injury Producing Total Disability Permanent in Character.** Where the injured employee has no wife, child, father, mother, brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *twenty-eight dollars ($28.00)* per week; where the in-

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jured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars ($30.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters, residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-three and 50/100 dollars ($33.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *thirty-six and 50/100 dollars ($36.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *forty dollars ($40.00)* per week; where the injured employee has a wife and four (4) children, or five (5) or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the weekly wages received at the time of the injury, subject to a maximum compensation of *forty-two and 50/100 dollars ($42.50)* per week; and subject in all cases to a minimum compensation of *twenty-five and 50/100 dollars ($25.50)* per week; and subject to change when the number of beneficiaries or dependents *increases by birth, or* decreases. Such compensation shall be paid during the period of disability, but for the period not exceeding five hundred (500) weeks from the date of injury."

Amending clause.

Section 3. That section 92-703 of the Revised Codes of Montana, 1947, as amended by chapter 253 of the laws of Montana of 1955, be, and the same is hereby amended to read as follows:

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"92-703. **For Partial Disability.** Where the injured employee has no wife, child, father, mother, brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *twenty-eight dollars ($28.00)* per week; where the injured employee has a wife, or child, or father, or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five per centum (55%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty and 50/100 dollars ($30.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty-three and 50/100 dollars ($33.50)* per week; where the injured employee has a wife and two (2) children, or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *thirty-six and 50/100 dollars ($36.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *forty dollars ($40.00)* per week; where the injured employee has a wife and four (4) or more children, or five (5) or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%)

Rates for partial disability increased.

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of the difference between the wages received at the time of the injury and the wages that such injured employee is able to earn thereafter, subject to a maximum compensation of *forty-two and 50/100 dollars ($42.50)* per week; not exceeding however, the maximum compensation allowed in cases of total disability, and not exceeding *in amount or duration* the total compensation provided in this act for the total loss of the member causing such partial disability. Such compensation shall be paid during the period of disability, not exceeding however, five hundred (500) weeks in cases of permanent partial disability, and fifty (50) weeks in cases of temporary partial disability, subject to change when the number of dependents *increases by birth, or* decreases, *provided, however, that compensation for partial disability resulting from the loss of or injury to any member shall not be payable for a greater number of weeks than is specified in section 92-709 for the loss of such member.''*

Not exceeding in amount or duration, total compensation for total loss of member.

Subject to change, when.

Proviso.

Amending clause.

Section 4. That section 92-704, Revised Codes of Montana, 1947, as amended by chapter 253 of the laws of Montana of 1955, be, and the same is hereby amended to read as follows:

Rate for death, increased.

''92-704. **Compensation for Injury Causing Death.** For beneficiaries residing within the United States: Where decedent leaves one (1) beneficiary, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight dollars ($28.00)* per week; where decedent leaves two (2) beneficiaries, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars ($30.50)* per week; where decedent leaves three (3) beneficiaries, sixty per centum (60%) of the wages received at the time of the injury subject to a maximum compensation of *thirty-three and 50/100 dollars ($33.50)* per week; where decedent leaves four (4) beneficiaries, sixty-two and one-half per centum (62½%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty-six and 50/100 dollars ($36.50)* per week; where decedent leaves five (5) beneficiaries, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *forty dollars ($40.00)* per week; where decedent leaves six (6) or more beneficiaries, sixty-six and two-thirds per centum

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(66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *forty-two and 50/100 dollars ($42.50)* per week; and subject in all such cases to a minimum compensation of *twenty-five and 50/100 dollars ($25.50)* per week.

For beneficiaries residing outside the state.

"For beneficiaries residing outside of the United States: Where decedent leaves one (1) beneficiary, forty per centum (40%) of the compensation which would be payable to such beneficiary, if residing within the United States; where decedent leaves two (2) beneficiaries, forty-five per centum (45%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves three (3) beneficiaries, forty-seven and one-half per centum (47½%) of the compensation which would be payable to such beneficiaries, if residing within the United States; where decedent leaves four (4) or more beneficiaries, fifty per centum (50%) of the compensation which would be payable to such beneficiaries, if residing within the United States.

No beneficiaries, to major dependents.

"If decedent leaves no beneficiaries, then compensation shall be payable as follows: To his major dependents, if any, residing in the United States at the date of the happening of the injury; where decedent leaves one (1) major dependent, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight dollars ($28.00)* per week; where decedent leaves two (2) major dependents, fifty-five per centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars ($30.50)* per week.

No major dependents, to minor dependents.

"If the decedent leaves no major dependents, compensation shall be payable to his minor dependents; if any, if residing within the United States at the time of the happening of the injury, as follows: Where decedent leaves one (1) minor dependent, thirty per centum (30%) of the wages received at the time of the injury, *subject to a maximum compensation of twenty-eight dollars ($28.00);* where decedent leaves two (2) minor dependents, thirty-five per centum (35%) of the wages received at the time of the injury, *subject to a maximum compensation of thirty and 50/100 dollars ($30.50);* where decedent leaves three (3) or more minor dependents, forty per

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centum (40%) of the wages received at the time of the injury, *subject to a maximum compensation of thirty-six and 50/100 dollars ($36.50) per week.*

To surviving parent or parents.

"If the decedent leaves no major or minor dependents a lump sum in the amount of three thousand and no/100 dollars ($3000.00) shall be payable to his surviving parent or parents.

Maximum compensation.

"All such payments of compensation provided for in this section shall be subject to a maximum compensation of *forty-two and 50/100 dollars ($42.50)* per week for a period not exceeding five hundred (500) weeks and subject to change when the number of beneficiaries or dependents *increases by birth or* decreases, and provided, further, that compensation payable to major or minor dependents shall not exceed the amount of the dependency."

Amending clause.

Section 5. That section 92-705, Revised Codes of Montana, 1947, as amended by chapter 38 of the Laws of Montana, 1953, be, and the same is hereby amended to read as follows:

Reasonable burial expenses—maximum of $500.00.

"92-705. (2916) **Providing for Payment of Burial Expense.** There shall be paid, in case of the death of an employee, which death is the result of an accidental injury arising out of the employment and happening in the course of the employment, the reasonable burial expenses of the employee, not exceeding *five hundred dollars ($500.00)* and such payment is not a part of the compensation which might be paid but is a benefit in addition to and separate and apart from compensation."

Amending clause.

Section 6. That section 92-706, Revised Codes of Montana, 1947, as amended by chapter 253 of the laws of Montana, 1955, be, and the same is hereby amended to read as follows:

Medical and hospital services and other treatment approved by the board.

"92-706. (2917) **Medical and Hospital Services and Such Other Treatment as Approved by the Board to Be Furnished.** In addition to the compensation provided by this act and as an additional benefit separate and apart from compensation, the following shall be furnished:

Time increased.

"During the first *thirty-six (36)* months after the happening of the injury, the employer or insurer or the board, as the case may be, shall furnish reasonable services by a physician or surgeon, reasonable hospital

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services and medicines when needed, and such other treatment approved by the board, not exceeding in amount the sum of twenty-five hundred dollars ($2,500.00) provided however, that in cases of total disability where apportionment of such sum does not meet all hospitalization expenses, the board may allow an additional amount for additional hospital *and medical* expenses *as in special cases it may deem proper.* The employer or insurer or the board shall not be required to furnish such services if the employee refuses to allow them to be furnished or if the employee is under hospital contract as provided in section 92-610 (2907) of this act.

Proviso—additional hospital expenses as board deems proper.

"When such employee is under a hospital contract as above and when hospital and medical facilities or both are inadequate to the needs of an injured employee in a particular case such injured employee may, anytime, be placed where adequate hospital facilities are obtainable, and the cost thereof in whole or in part shall be a legal charge against the one so contracting to furnish hospital facilities, and the amount of such charge and the necessity therefor shall be determined by the board.

Hospital contract, facilities inadequate.

"And be it further provided, that where an injury arising out of and received in the course of employment necessarily results in the loss by amputation of an arm, hand, leg or foot, or the enucleation of an eye, or the loss of any of the natural teeth, the industrial accident board may, in its discretion, order that an articifial member be furnished to supply the loss of any such member or members so lost. Such artificial member shall be furnished at the expense of the employer, operating under plan one, or the insurer, operating under plan two, or the industrial accident fund where the employer is operating under plan three. The replacement of an artificial member so furnished shall be required every five (5) years, if necessary, *unless the board shall determine a replacement is needed within a shorter period.*"

Artificial members.

Shorter period for replacement authorized.

Section 7. That section 92-709, Revised Codes of Montana, 1947, as amended by chapter 253 of the laws of Montana of 1955, be, and the same is hereby amended to read as follows:

Amending clause.

"92-709. (2920). **Compensation in Case of Specified Injuries.** In case of the following specified injuries, the compensation in lieu of any other compensation pro-

Specified injury schedule.

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Specified injury schedule (continued).

vided by this act, shall be as follows: Where the injured employee has no wife, child, father, mother, brother, or sister residing within the United States who would be entitled to compensation in case of his death, fifty per centum (50%) of the wages received at the time of the injury, subject to a maximum compensation of *twenty-eight dollars ($28.00)* per week; where the injured employee has a wife, or child, or father or mother, or brother or sister residing within the United States who would be entitled to compensation in case of his death, fifty-five pen centum (55%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty and 50/100 dollars ($30.50)* per week; where the injured employee has a wife and one (1) child, or two (2) children, or a father and mother, or two (2) or more brothers and/or sisters residing within the United States who would be entitled to compensation in case of his death, sixty per centum (60%) of the wages received at the time of the injury, subject to a maximum compensation of *thirty-three and 50/100 dollars ($33.50)* per week; where the injured employee has a wife and two (2) children or three (3) children residing within the United States who would be entitled to compensation in case of his death, sixty-two and one-half per centum (62½%) of the wages received at the time of injury, subject to a maximum compensation of *thirty-six and 50/100 dollars ($36.50)* per week; where the injured employee has a wife and three (3) children, or four (4) children residing within the United States who would be entitled to compensation in case of his death, sixty-five per centum (65%) of the wages received at the time of the injury, subject to a maximum compensation of *forty dollars ($40.00)* per week; where the injured employee has a wife and four (4) or more children, or five (5) or more children residing within the United States who would be entitled to compensation in case of his death, sixty-six and two-thirds per centum (66 2/3%) of the wages received at the time of the injury, subject to a maximum compensation of *forty-two and 50/100 dollars ($42.50)* per week, subject to change when the number of beneficiaries or dependents *increases by birth, or* decreases, and subject in all cases to a minimum compensation of *twenty-five and 50/100 dollars ($25.50)* per week, and shall be paid for the following periods:

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Specified injury schedule (continued).

For loss of:		
One arm at or near shoulder	*280*	weeks
One arm at the elbow	*240*	weeks
One arm between wrist and elbow	*220*	weeks
One hand	*200*	weeks
One thumb and the metacarpal bone thereof	75	weeks
One thumb at the proximal joint	37	weeks
One thumb at the second distal joint	25	weeks
One first finger and the metacarpal bone thereof	*40*	weeks
One first finger at the proximal joint	*30*	weeks
One first finger at the second joint	*22*	weeks
One first finger at the distal joint	*15*	weeks
One second finger and the metacarpal bone thereof	37	weeks
One second finger at the proximal joint	*20*	weeks
One second finger at the second joint	*15*	weeks
One second finger at the distal joint	*8*	weeks
One third finger and the metacarpal bone thereof	25	weeks
One third finger at the proximal joint	15	weeks
One third finger at the second joint	10	weeks
One third finger at the distal joint	5	weeks
One fourth finger and the metacarpal bone thereof	15	weeks
One fourth finger at the proximal joint	11	weeks
One fourth finger at the second joint	*8*	weeks
One fourth finger at the distal joint	*6*	weeks
One leg at or near the hip joint as to preclude the use of an artificial limb	*300*	weeks
One leg at or above the knee where stump remains sufficient to permit the use of an artificial limb	*200*	weeks
One leg between knee and ankle	*190*	weeks
One foot at the ankle	*180*	weeks
One great toe with the metatarsal bone thereof	37	weeks
One great toe at the proximal joint	18	weeks
One great toe at the second joint	12	weeks
One toe other than the great toe with the metatarsal bone thereof	*16*	weeks
One toe other than the great toe at the proximal joint	*8*	weeks
One toe other than the great toe at second or distal joint	*5*	weeks

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One eye by enucleation	*165* weeks
Total blindness of one eye	*140* weeks
Total loss of hearing, one ear	*40* weeks
Total loss of hearing, both ears	*200* weeks

Loss of vision.

"Loss of vision: Where central visual acuity does not exceed 20/200 in the better eye with correcting lenses or the widest diameter of the visual field subtends an angle no greater than 20 degrees, the same as for loss of the eye.

Total loss of use of member.

"Total loss of use: Indemnity benefits for permanent total loss of use of a member shall be the same as for loss of the member.

Partial loss or partial loss of use of member.

"Partial loss or partial loss of use: Indemnity benefits for permanent partial loss or loss of use of a member may be for proportionate loss or loss of use of the member.

Loss or loss of use of more than one member.

"In any case in which there shall be a loss, or loss of use, of more than one member as set forth in this section, not amounting to permanent total disability, the award of indemnity benefits shall be for the loss, or loss of use thereof, which awards shall run consecutively, provided, however, that the total award or compensation in no case shall exceed five hundred (500) weeks.

Disfigurement.

"Disfigurement: The board may award proper and equitable indemnity benefits for serious face, head, or neck disfigurement, not to exceed twenty-five hundred dollars ($2,500.00) in addition to any other indemnity benefits payable under this section.

Loss of both hands, arms, feet, legs, or eyes, or any two thereof in one accident.

"The loss of both hands, or both arms, or both feet, or both legs, or both eyes, or any two (2) thereof, in one (1) accident, in the absence of conclusive proof to the contrary shall constitute total disability, permanent in character.

Proviso.

Provided, however, that the percentage of permanent disability caused by any single accident or injury shall be so computed as to cover the permanent disability caused by that particular injury without reference to any previous physical ailment or defect or to any injury previously suffered or any permanent disability caused thereby;

Proviso.

provided, that no payment under this section shall be in lieu of the separate benefit of medical and hospital services."

Amending clause.

Section 8. That section 92-715, Revised Codes of Montana, 1947, as amended by chapter 225 of the laws of

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Montana of 1951, be, and the same is hereby amended to read as follows:

"92-715. (2926). **Monthly Payments Converted into a Lump Sum.** The monthly payments provided for in this act may be converted, in whole or in part, into a lump sum payment, which lump sum payment shall not exceed the estimated value of the present worth of the deferred payments capitalized at the rate of two per centum (2%) per annum. Such conversion can only be made upon the written application of the injured workman, his beneficiary, or major or minor dependents, as the case may be, and shall rest in the discretion of the board, both as to the amount of such lump sum payment and the advisability of such conversion. The board is hereby vested with full power, authority, and jurisdiction to compromise claims and to approve compromises of claims under this act; and all settlements and compromises of compensation provided in this act shall be absolutely null and void without the approval of the board. *Any approval of the board must be in writing and set forth specifically the reasons for such lump sum or compromise payment.*"

Monthly payments converted into lump sum.

Application.

Discretion of board.

Compromise allowed, approval of board.

Approval in writing.

Section 9. That section 92-807, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"92-807. (2933). **Notice of Claims for Injuries Other Than Death.** No claims to recover compensation under this act for injuries not resulting in death shall be maintained unless, within *sixty (60)* days after the occurrence of the accident which is claimed to have caused the injury, notice in writing stating the name and address of the person injured, the time and place where the accident occurred, and the nature of the injury, and signed by the person injured, or some one in his behalf, shall be served upon the employer or the insurer, except as otherwise provided in section 92-602; provided, however, that actual knowledge of such accident and injury on the part of such employer or his managing agent or superintendent in charge of the work upon which the injured employee was engaged at the time of the injury shall be equivalent to such service."

Notice of claims for injuries within 60 days after accident.

Written notice, to employer or insurer—service.

Actual knowledge by employer or agent, service.

Section 10. In the event of a dispute concerning the physical condition of a claimant, or the cause or causes

Dispute concerning physical condition.

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Board may require examination.

of his injury or disability, if any, the board, at the request of the claimant, employer or insurer, as the case may be, shall require the claimant to submit to such examination as it may deem desirable by a physician or physicians within the State of Montana or elsewhere who have had adequate and substantial experience in the particular field of medicine concerned with the matters presented by the dispute. The physician making such examination shall file a written report of his findings with the board for its use in the determination of the controversy involved. The board shall pay the physician for such examination and shall be reimbursed by the party who requested it.

Written report of physician, pay for services.

Repealing clause.

Section 11. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 12. This act shall be in full force and effect from and after the date of passage and approval.

Approved March 13, 1957.

CHAPTER 235

An Act to Amend Section 4-105 of the Revised Codes of Montana, 1947, and Section 4-108 of the Revised Codes of Montana, 1947, as Amended by Chapter 140, Laws of the Thirty-first Legislative Assembly, 1949, and as Further Amended by Chapter 163, Laws of the Thirty-second Legislative Assembly, 1951; Said Section 4-105 Relating to the Meetings and Compensation of the Members of the Montana Liquor Control Board; Said Section 4-108, as Amended, Relating to the Fixing of Salaries of the Administrative Officers and Other Employees of Said Board; Repealing All Acts and Parts of Acts in Conflict Herewith and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 4-105 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Compensation of liquor control board, increased.

"4-105. **Liquor Control Board — Compensation — Meetings.** Each of the members of the Montana liquor control board shall receive, as compensation for his offi-

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cial services, the sum of *fifteen dollars ($15.00)* per diem for each day actually engaged in the duties of his office, including his time of travel between his home and place of employment of such duties, provided, however, that the maximum amount each member of commission shall receive for per diem shall not exceed *one thousand five hundred dollars ($1,500)* per annum, together with the traveling expenses while away from home in the performance of the duties of his office. The board shall hold its meetings at the city of Helena or at such other places as may be designated by the board."

Proviso—maximum compensation increased.

Meetings.

Section 2. That section 4-108 of the Revised Codes of Montana, 1947, as amended by chapter 140, laws of the thirty-first legislative assembly, 1949, and as further amended by chapter 183, laws of the thirty-second legislative assembly, 1951, be, and the same is hereby amended to read as follows:

Amending clause.

"4-108. (2815.63). **Salaries of State Liquor Administrator and Other Employees — Duties of Assistant Administrator.** The board shall fix the following salaries of its employees at such sums as it deems advisable, to wit: The salary of the state liquor administrator in a sum not exceeding *seven thousand dollars ($7,000.00)* per year; the salary of the assistant state liquor administrator in a sum not exceeding the sum of *five thousand six hundred dollars ($5,600.00)* per annum; the salary of the chief accountant not exceeding the sum of *five thousand five hundred dollars ($5,500.00)* per annum; the salary of the I.B.M. office superintendent not exceeding the sum of *four thousand nine hundred dollars ($4,900.00)* per annum; the salary of a vendor of a 'Class A' store in a sum not exceeding *four thousand seven hundred dollars ($4,700.00)* per annum; *the salary of one (1) assistant vendor of a 'Class A' store in a sum not exceeding four thousand two hundred dollars ($4,200.00)*; the salary of any other employee of a 'Class A' store in a sum not exceeding *three thousand nine hundred sixty dollars ($3,960.00)* per annum; the salary of a vendor of a 'Class B' store in a sum not exceeding *four thousand dollars ($4,000.00)* per annum; the salary of *an assistant vendor and* any other employee of a 'Class B' store in a sum not exceeding *three thousand three hundred dollars ($3,300.00)* per annum; the salary or compensation of a vendor of a 'Class C' store in a sum not exceeding *three thousand six*

Salaries of employees increased.

One assistant vendor added, "class A" store.

One assistant vendor added, "class B" store.

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hundred dollars ($3,600.00) per annum; the salary of *an assistant vendor and* any other employee of a 'Class C' store in a sum not exceeding the sum of *three thousand dollars ($3,000.00)* per annum; the salary of any other employee of the board in the sum not exceeding *four thousand eight hundred dollars ($4,800.00)* per year. The volume of the individual *store* sales shall be taken into consideration in fixing the salary of store vendors, assistant vendors and employees.

Other employees.

Volume of sales to be considered.

Assistant state liquor administrator.

"The assistant state liquor administrator shall exercise such powers and perform such duties as the board may prescribe."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1957.

CHAPTER 236

An Act to Amend Section 53-106, Revised Codes of Montana, 1947, as Amended by Chapter 111, Laws of Montana, 1951, as Amended by Chapter 29, Laws of Montana, 1953, as Amended by Chapter 245, Laws of Montana, 1955; Providing for a Number Plate for Motor Vehicles; Providing for the Marking Thereof, Including the State Outline; Providing for the Usage of a Letter-Number Registration System and the Dimension Limits Thereof; Providing for the Constitutionality of the Act; and Providing for the Repeal of All Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 53-106, Revised Codes of Montana, 1947, as amended by chapter 111, laws of Montana, 1951, as amended by chapter 29, laws of Montana, 1953, as amended by chapter 245, laws of Montana, 1955, be, and the same is hereby amended to read as follows:

Front and rear number plates required, eight series.

"53-106. (1757). **Number Plates.** (1) Every motor vehicle which shall be driven upon the streets or highways of this state shall display both front and rear a

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number plate, bearing the distinctive number assigned such vehicle by the registrar of motor vehicles. Such number plate shall be in eight series: one series for owners of motor cars, one for owners of motor vehicles of the motorcycle type, one for trailers, one for trucks, one for dealers in vehicles of the motorcycle type, one for franchised dealers in new motor cars (including trucks and trailers) or new and used motor cars (including trucks and trailers) which shall bear the distinctive letter 'D' *or the word 'DEALER,'* one for dealers in used motor cars only (including used trucks and trailers) which shall bear the distinctive letters 'UD' *or the letter 'U' and the* word *'DEALER,'* and one for dealers in trailers and/or semitrailers (new or used) which shall bear the distinctive letters 'DTR' *or the letters 'TR' and the word 'DEALER,' and all such markings for the aforementioned kinds of dealers' plates shall be placed on the number plates assigned thereto in such position thereon as the registrar may designate.* All number plates for motor vehicles shall be renewed annually, shall bear a distinctive marking each year, and shall be furnished by the state.

Motor cars, motorcycles, trailers, trucks, dealers of motorcycles; franchised dealers of new cars or new and used cars—"D" or "Dealer."

Used car dealers only—

"UD" or "U" and "Dealer."

Dealers in trailers, new or used—"DTR" or "TR" or "Dealer."

Markings for dealers' plates to be on number plates.

"(2) In the case of motor cars, number plates shall be of metal six inches wide and twelve inches in length, *the outline of the State of Montana shall be used as a distinctive border on such license plates,* and the word 'Montana' with the year shall be placed across the bottom of the plate. *Such registration plate and the required serial numbers and letters thereon, shall be of sufficient size and spacing to be plainly readable from a distance of 100 feet during daylight. The registrar* shall, in his discretion, choose to select permanent number or identification plates with a yearly insert plate or tab bearing the last two numbers of the year for which such license is issued and such insert plate or tab shall be serially numbered in the same manner as the numbered plates, and such permanent number or identification plates shall be made in such form and of such materials as the registrar shall determine; provided further, that the registrar may, in his discretion, designate number or identification plates for any year as the proper means of identifying the vehicles for a subsequent year or years, said plates to be validated by a windshield sticker of such size, color and design and displayed as he shall direct; such sticker shall bear a distinctive number and the registration period for

Description of motor car number plates, outline of state, word "Montana."

Size.

Tab or insert plate.

Windshield sticker.

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which it is issued, after which period it shall be unlawful to further display same on the vehicle. The distinctive registration numbers shall begin with *a* number one (1) *or with a letter-number combination such as 'A 1' or 'AA 1,' or any other similar combination of letters and numbers* and be numbered consecutively for each series of plates. The distinctive registration number *or letter-number combination* assigned to the vehicle *shall appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal base line, and the county number shall be separated from the distinctive registration number by a dash or a dot unless a letter-number combination is used.* The dimensions of such numerals *and letters* shall be determined by the registrar of motor vehicles, *provided that all county and registration numbers shall be of equal height.*

Numbering, begin with number one or letter—number combination.

Number to be preceded by county number separated by dot or dash.

Dimensions of numbers and letters.

Tax-exempt vehicles.

"(3) For the use of tax-exempt motor vehicles, in addition to the markings herein provided, number plates shall have thereon the following distinctive markings:

State owned.

For vehicles owned by the state the registrar of motor vehicles may designate the prefix number for the various state departments, and all numbered plates issued to state departments shall bear the words 'state owned' and no year number will be indicated thereon as these numbered plates will be of a permanent nature, and will be renewed by the registrar of motor vehicles at such time when the physical condition of numbered plates requires same. For vehicles owned by the counties, municipalities and school districts and used and operated by officials and employees thereof in line of duty as such, there shall be placed on the number plates assigned thereto, in such position thereon as the registrar may designate, the letter 'X' *or the word 'EXEMPT.'* Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and school districts situated within each of said counties shall begin with number one (1) and be numbered consecutively.

Counties, municipalities, school districts.

Letter "X" or word "Exempt."

Trucks and trailers—letter "T" or word "Truck," or word "Trailer."

"(4) On all number plates assigned to motor vehicles of the truck and trailer type, other than tax-exempt trucks and trailers, there shall appear the letter 'T' *or the word 'TRUCK'* for plates assigned to trucks and the letters 'TR' *or the word 'TRAILER'* for plates assigned to trailers.

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"Number plates assigned to any motor vehicle shall be used only on the specific motor vehicle to which originally assigned.

"(5) For the purpose of this act, the several counties of the state shall be assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Mussellshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56; any new counties shall be assigned numbers by the registrar of motor vehicles as they may be formed, beginning with the number 57." County numbers.

Section 2. If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. Severability clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed. Repealing clause.

Approved March 13, 1957.

CHAPTER 237

An Act to Amend Sections 66-403, 66-408, and 66-411 of the Revised Codes of Montana, 1947, Relating to Barbers and Barber Shops; Licensing and Registration of Barbers, Barber Shops, Barber Schools and Barber Colleges, and Prohibiting Barber Schools and Barber Colleges from Charging Patrons for Barbering Services; Compensation, Funds and Reports; Fees to be Paid by Apprentices, Students, Barbers, and Barber Shops; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amending clause.

Section 1. That section 66-403 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"Section 66-403. (3228.21). **Licensing and Registration of Barbers, Barber Shops, Barber Schools and Barber Colleges,** *prohibiting barber schools and colleges from charging patrons for services.* A. A person is qualified to receive a certificate of registration to practice barbering:

Qualifications to receive certificate of registration to practice barbering.

(1) Who has practiced as a registered apprentice for a period of eighteen (18) months under the immediate personal supervision of a registered barber; and who has passed a satisfactory examination conducted by the board of barber examiners to determine his or her fitness to practice barbering as defined by section 66-402.

(2) Who is a graduate of a standardized school of barbering, (having a curriculum as adopted by the national educational council of barber examiners, and who has attended such school for the time prescribed herein and which school of barbering has been approved by the board of barber examiners of the State of Montana), and who has passed a satisfactory and practical examination conducted by the said board of barber examiners to determine his or her fitness to practice barbering.

"Apprentice" defined.

(3) Who has served as an apprentice. An apprentice, for the purpose of this act, is a person who receives instruction in an approved barber school, or college, or from a barber authorized to practice barbering in the State of Montana.

Apprentice's statement.

"Every apprentice must file with the board of barber examiners a statement in writing showing the name and place of business of his or her instructor, or school, the date of commencement of the apprenticeship, and the full name and age of said apprentice, and shall pay to the board of barber examiners a fee of *four dollars ($4.00),* whereupon the board of barber examiners shall issue the said apprentice a card.

Fee increased.

Apprentice to practice under supervision.

"B. No registered apprentice may independently practice, or engage in the practice of barbering; provided, however, he may do any and all of the acts which constitute the practice of barbering when so done under the immediate personal supervision of a registered barber.

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Curriculum of approved schools required.

"C. No school, or college, of barbering shall be approved by the board of barber examiners unless it teaches the curriculum of the standardized schools approved by the national educational council of barber examiners. Students of said schools or colleges may, after attending such schools for a period of six (6) months, make application to the board of barber examiners for an apprenticeship certificate to practice barbering under the immediate personal supervision of a licensed barber for the period of one (1) year, after which time said students may then make application to take the examination for a barber's certificate of registration.

Application for apprenticeship certificate.

Barber shop, school or college, requirements.

"D. A barber shop, school or college must be conducted at a fixed place of establishment; no person or corporation shall open or maintain a barber shop, school or college, or hold himself or itself out as engaging in or conducting a barber shop, school or college, unless first licensed so to do by the board of barber examiners. Every barber school, or college, operating within the State of Montana must be in charge of a person who has had ten (10) years' continuous experience as a barber, providing that the owner of such school, or college shall first secure from the board of barber examiners a permit to operate on payment of an annual license fee of fifty dollars ($50.00), and shall keep said permit prominently displayed, and shall, before commencing business file with the secretary of state a bond to the State of Montana, which bond shall be approved by the attorney general, in the sum of two thousand dollars ($2,000.00) conditioned upon the faithful compliance of said barber school, or college, with all the provisions of this chapter; and to pay all judgments that may be obtained against said schools, or colleges, or the owners thereof on account of fraud, misrepresentation or deceit practiced by them, or by their agents; *provided, further, that barber schools, or barber colleges shall not charge patrons for barbering services rendered*; provided, further, that all barber schools, or colleges shall keep prominently displayed a substantial sign as a barber school, or barber college. Provided, further, that all barber schools, or colleges, upon receiving students shall immediately apply to the board of barber examiners for student permits upon blank forms provided by the board of barber examiners for such purposes.

License.

Person in charge—10 years experience.

Permit to operate, annual license fee.

Bond.

Proviso—schools or colleges not to charge patrons.

Proviso—sign.

Proviso—student permits.

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Application for license, procedure.

"An application for a barber shop, school or college license shall be in writing and verified on a form provided by the board of barber examiners. Upon receipt of an application for a license hereunder, and upon payment of the initial inspection fee, said board of barber examiners shall cause an investigation and inspection to be made as to the character of the applicant, and upon proper notice and after proper hearing shall report its findings to the secretary of the board of barber examiners, who shall grant a license, if the board of barber examiners finds that the applicant is of good character, and that the proposed barber shop, school or college is equipped and will be conducted as required by this act. Every application must be granted or refused within thirty (30) days from the date of filing of such application or within fifteen (15) days after the close of the hearing upon the application in case a hearing is held.

Action on application, time for.

Barber's certificate or barber shop license required.

"E. No barber shop license shall be issued in this state to anyone except one who holds a regular valid barber's certificate as provided for by this act, and no barber shop shall be maintained or conducted in this state except by one who holds a barber shop license issued by the board of barber examiners as provided by this act, and this certificate shall not be transferable as to person or place.

Non-transferable.

Inspection and requirements to be complied with.

"F. Before a license is issued to conduct a barber shop, school or college which shall be established in this state on or after the date this act goes into effect, such barber shop, school or college must be inspected and approved by the board of barber examiners and shall meet with the following requirements: (1) Must have both hot and cold running water connected with city water supply. In villages or towns where running water is not available, hot water tanks shall have not less than two (2) gallon capacity with gravity pressure. Waste water shall be disposed of through some system, carrying it away from the building. This shall be done by sewer connections, or in a manner meeting with the requirements of the state department of health rules and regulations, city ordinances, and having the approval of the city or village board of health, as required by law. (2) The headrest of every barber chair must be equipped so that each customer will be supplied with clean fresh paper or towel before its use for any person. (3) Must have a closed

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cabinet for each chair, to keep instruments in when not in use, and must have proper sterilization equipment for immersing instruments before use on each customer. (4) Must have sufficient number of towels so that each customer will be served with a clean laundered towel. (5) Must be well lighted, well ventilated, and kept in a clean, orderly and sanitary condition at all times. (6) Must pay to the board of barber examiners the required fee.

Open to inspection by the board.

"G. All barber shops, barber schools or colleges shall be open for inspection at any time during business hours, to any member of the board, or its agents or assistants, and it shall be the duty of every owner or manager of a barber shop licensed under this act to make certain that each barber employed therein holds a certificate to practice barbering in Montana, and that all employees observe the sanitary rules of the state department of health and the board of barber examiners and report to the board of barber examiners the name of any person practicing barbering therein, who has a communicable disease.

Causes for refusal to issue or renew or for suspension or revocation of license.

"H. The board of barber examiners may either refuse to issue or renew, or may suspend or revoke any barber shop or barber school or college license for any one or combination of the following causes: (1) The violation of any of the provisions of subdivisions 1, 2, 3, 4, and 5 of subsection F of this section, subsection G of this section, and section 66-405; (2) Conviction of a felony, shown by a certified copy of the record of the court of conviction; (3) Gross malpractice or gross incompetency; (4) Continued practice by a person knowingly having an infectious or contagious disease; (5) Advertising by means of knowingly false or deceptive statements; (6) Advertising, practicing or attempting to practice under a trade name other than one's own; (7) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs; (8) The commission of any of the offenses described in section 66-409.

Petition to district court, jurisdiction to reverse, vacate or modify.

"I. Any applicant whose license has been refused, suspended or revoked by the board of barber examiners under this act may within ten (10) days of such action file a petition in the district court in the county in which the applicant resides. The licensee shall be named as plaintiff and the board of barber examiners as defendant.

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Said court shall have jurisdiction after notice to the board of barber examiners to hear and determine said petition in a summary manner, and to reverse, vacate or modify the order of the board of barber examiners complained of, if upon consideration of the record, such court is of the opinion that such order was unlawful or unreasonable. The trial of the district court upon such an appeal shall be de novo. The decision of the board of barber examiners shall not be stayed by the proceedings on appeal and such appeal shall not operate to restore the right of the licensee to operate a barber shop pending such appeal. The attorney general shall defend said action of the board of barber examiners on behalf of the state; but the county attorney of the county where the petition is filed, at the request of the attorney general, shall appear and defend such action."

Trial de novo.

Decision of board not stayed.

Attorney general's duty.

Amending clause.

Section 2. That section 66-408 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Compensation of board increased.

"Section 66-408. (3228.26). **Compensation, Funds and Reports.** Each member of the board shall receive a compensation of *fifteen dollars ($15.00)* per day while attending board meetings together with legitimate and necessary expenses incurred in attending the meeting of said board.

Board to be self sustaining financially.

"The board of barber examiners shall be self-sustaining financially and no funds of the state shall be paid for the operation and maintenance of said board. The disbursements of said board shall be paid upon the warrant of the president and secretary.

Annual report to governor.

"The board shall make an annual report of its proceedings and moneys expended by it to the governor of the state for the year ending on the 31st day of December preceding the making of said report."

Amending clause.

Section 3. That section 66-411 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Applicant for examination to receive certificate of registration to practice.

"Section 66-411. (3228.29). **Fees to be Paid by Apprentices, Students, Barbers and Barber Shops.** A. The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration to practice barbering as defined in this act, shall

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be fifteen ($15.00) dollars, and for the issuance of said certificate an additional *four ($4.00) dollars.* The fee to be paid by an apprentice or student for a certificate of registration shall be the sum of *four ($4.00) dollars.*

Fee.

"B. Each person registered as a barber, or barber apprentice, shall on or before the first day of July of each year pay a license fee of *four ($4.00) dollars* for the renewal of his or her certificate of registration, and if any barber, or barber apprentice, shall fail to have such certificate renewed on or before the first day of August of each year such barber, or barber apprentice, shall upon the renewal of said certificate of registration pay a penalty, or a restoration fee, of five ($5.00) dollars, in addition to the regular fee of *four ($4.00) dollars* provided for herein, and if a certificate of registration is not renewed within one year after date of expiration thereof, such barber, or barber apprentice, shall not be entitled to have such certificate of registration renewed, or a new certificate of registration issued, without first applying for and taking the examination and paying the fees provided for by this section. Provided, further, however, that physically handicapped men and women, trained for the barber profession by the state bureau of civilian rehabilitation and certified by that department as having successfully completed a six (6) months' course in a reputable barber college will not be required to pay any fees, but will for a period of one (1) year immediately following their training be exempted from all except the sanitary provisions of the barber act, or any of its amendments, and provided, further, that no other or additional license, or fee, shall be imposed upon barbers, or barber apprentices, by any municipality or other subdivision of the State of Montana.

Registered barber or apprentice annual renewal fee.

Penalty or restoration fee in addition to regular fee.

Proviso— physically hadicapped.

"C. In addition to the fees and charges now provided by existing law, all barber shops heretofore established, and which have been under the inspection of the board of barber examiners, shall pay an annual license fee of *three ($3.00) dollars.* Barber shops hereafter established shall pay an initial inspection license fee of fifteen ($15.00) dollars for the first year or portion thereof, and shall pay an annual license fee of *three ($3.00) dollars* for each calendar year thereafter.

Annual license fee in addition to fees and charges now provided for barber shops.

Inspection license fee.

Annual license fee.

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Expiration date of licenses—renewal date.

"D. All barber shops, schools or college licenses shall expire on the 31st day of May of each year, following the issuance of said license, and every owner or manager of a barber shop, school or college which continues in active operation shall annually, on or before May 31st renew his barber shop, school or college license and pay the required fee.

"Every barber shop, school or college license which has not been renewed during the month of May in any year shall expire on the 31st day of May in that year, and for the restoration of an expired barber shop license the fee shall be ten ($10.00) dollars, and for an expired barber school or college license, the fee shall be fifty-five ($55.00) dollars."

Restoration of license, fee, barber shop. Barber school or college.

Repealing clause.

Section 4. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1957.

CHAPTER 238

An Act to Amend Section 16-912, of the Revised Codes of Montana, 1947, as Amended by Section 1 of Chapter 4 of the Laws of 1949, as Amended by Section 1 of Chapter 100 of the Laws of 1951, as Amended by Section 1 of Chapter 82 of the Laws of 1955; Relating to Compensation of Members of the Boards of County Commissioners; Providing for Compensation of Members of Said Boards According to Classification of Counties and Providing Annual Salaries According to Said Classification; Providing for Compensation of Fifteen Dollars for Each Day's Attendance on Session of Boards of Counties not Within Said Classification and Seven Cents Per Mile for Travel Between County Seat and Place of Residence When Member is Performing his Official Duties; Repealing All Acts and Parts of Acts in Conflict Herewith.

Amending clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 16-912 of the Revised Codes of Montana, 1947, as amended by section 1 of chapter 4 of the laws of 1949, as amended by section 1 of Chapter 100 of the laws of 1951, as amended by section 1 of

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chapter 82 of the laws of 1955, be, and the same is hereby amended to read as follows:

"16-912. (4464) **Compensation of Members of Board.**" *Each member of the board of county commissioners in counties of the first, second, third, and fourth class, shall receive an annual salary as hereinafter set forth:*

Compensation for members of board of county commissioners by classes.

First class	*$5,000.00*
Second class	*$4,900.00*
Third class	*$4,800.00*
Fourth class	*$4,700.00*

"Each member of the board of county commissioners *in all other counties* is entitled to *fifteen* dollars ($15.00) per day for each day's attendance on the sessions of the board, and seven cents (7¢) per mile for the distance necessarily traveled in going to and returning from the county seat and his place of residence each day that such trip is actually made, and while engaged in the performance of his official duties, and no other compensation must be allowed."

All other counties not classified.

Mileage.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 13, 1957.

CHAPTER 239

An Act to Amend Section 11-403, Revised Codes of Montana, 1947, Pertaining to the Extensions of Boundaries of Cities and Towns; Providing for the Annexation by Cities and Towns of the First Class of Contiguous Unplatted Land That Has been Surveyed and for Which a Certificate of Survey has been Filed, Providing that This Act Shall not, and Nothing Contained Herein Shall, Repeal or Amend or be Construed to Repeal or Amend Sections 11-506, 11-507, 11-508, 11-509, and 11-510, Revised Codes of Montana, 1947, or as Amended or Re-Enacted, Which Provide an Alternative Method of Annexation of Territory to Certain Cities and Towns.

Be it enacted by the Legislative Assembly of the State of Montana:

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Amending clause.

Section 1. That section 11-403, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Cities or towns of the first class, extension of boundaries to include platted or unplatted contiguous land.

"11-403. (4978) **Extension of Boundaries to Include Contiguous Platted Tracts** *or Other Parcels of Land.* (1) Cities or towns of the first class. Any tracts or parcels of land, which have been or may hereafter be platted into lots or blocks, streets, and alleys, and the map or plat thereof filed in the office of the county clerk and recorder of the county in which the same are situated, *or any unplatted land that has been surveyed and for which a certificate of survey has been filed, as provided in these codes,* and *which platted or unplatted land* shall be contiguous to any incorporated city of the first class, may be embraced within the corporate limits thereof, and the boundaries of such city of the first class extended so as to include the same in the following manner: When, in the judgment of any city council of a city of the first class, expressed by resolution duly and regularly passed and adopted, it will be to the best interest of such city and the inhabitants thereof, and of the inhabitants of any contiguous platted tracts or parcels of land, *or unplatted land for which a certificate of survey has been filed,* that the boundaries of such city shall be extended, so as to include the same within the corporate limits thereof, the city clerk of such city shall forthwith cause to be published in the newspaper published nearest such platted tracts or parcels of land, *or unplatted land for which a certificate of survey has been filed,* at least once a week for two successive weeks, a notice which shall be to the effect that such resolution has been duly and regularly passed, and that for a period of twenty days after the first publication of such notice, such city clerk will receive expressions of approval or disapproval, in writing, of the proposed extensions of the boundaries of such city of the first class, from resident free holders of the territory proposed to be embraced therein. The clerk shall, at the next regular meeting of the city council of such city of the first class after the expiration of said twenty days, lay before the same all communications in writing by him so received for its consideration, and if, after considering the same, such council shall duly and regularly pass and adopt a resolution to that effect, the boundaries of such city of the first class shall be extended so as to embrace and in-

How accomplished. Resolution.

Publication of notice, contents of notice.

Duty of clerk.

Resolution to extend boundaries.

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clude such platted tracts or parcels of land, *or unplatted land for which a certificate of survey has been filed,* the time when the same shall go into effect to be fixed by such resolution; provided, that such resolution shall not be adopted by such council if disapproved, in writing, by a majority of the resident freeholders, *if any,* of the territory proposed to be embraced."

Proviso—resolution not adopted, when.

"(2) Cities and towns of the second and third class. Any tracts or parcels of land, which shall be contiguous to any incorporated cities or towns of the second and third class, may be embraced within the corporate limits thereof and the boundaries of such cities or towns of the second and third class extended so as to include the same in the following manner: When, in the judgment of any such city or town council, expressed by resolution duly and regularly passed and adopted, it will be to the best interest of such city, or town and the inhabitants thereof, and of the inhabitants of any contiguous tracts or parcels of land, as aforesaid, that the boundaries of such city or town shall be extended, so as to include the same within the corporate limits thereof, the city or town clerk of such city or town shall forthwith notify in writing all property holders within the boundaries of the territory proposed to be embraced, and cause to be published in the newspaper published nearest such tracts or parcels of land, at least once a week for two successive weeks, a notice which shall be to the effect that such resolution has been duly and regularly passed and that for a period of twenty days after the first publication of such notice, such city or town clerk will receive expressions of approval or disapproval, in writing, of the proposed extensions of the boundaries of such city or town, from freeholders of the territory proposed to be embraced therein. The clerk shall, at the next regular meeting of the city or town council after the expiration of said twenty days, lay before the same all communications in writing by him so received for its consideration, and if, after considering the same, such council shall duly and regularly pass and adopt a resolution to that effect, the boundaries of such city or town of the second or third class, shall be extended so as to embrace and include such tracts or parcels of land, the time when the same shall go into effect to be fixed by such resolution; provided, that such resolution shall not be adopted by such council, if disapproved, in

Cities and towns of second class, extension of boundaries to include contiguous land.

How accomplished.

Resolution.

Clerk to notify property holders.

Publication of notice, contents of notice.

Duty of clerk.

Resolution to extend.

Proviso—resolution not adopted, when.

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writing, by a majority of the freeholders of the territory proposed to be embraced.

Two or more adjacent tracts adjoining city may be included in one resolution.

"(3) Whenever two or more adjacent tracts taken as a whole shall adjoin the city, they may be included in one resolution under subdivision 2 hereof, although one or more of said tracts taken alone may not be adjacent to the corporate limits as then existing."

Sections 11-506, 11-507, 11-508, 11-509, and 11-510, R.C.M.,1947 not repealed or amended.

Section 2. This act shall not, and nothing contained herein shall repeal or amend or be construed to repeal or amend sections 11-506, 11-507, 11-508, 11-509, and 11-510, Revised Codes of Montana, 1947, or as amended or reenacted, which provide an alternative method of annexation of territory to certain cities and towns.

Approved March 13, 1957.

CHAPTER 240

An Act to Make Uniform the Law Relating to the Adoption of Children; Repealing Sections 61-127 to 61-137, Both Inclusive, of the Revised Codes of Montana, 1947, and Repealing Section 61-140, of the Revised Codes of Montana, 1947, and All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. **Definitions.** As used in this act, unless the context otherwise requires, "child" means any minor person, and "agency" means any person, authority or agency legally empowered to place children for adoption. Singular words may extend and be applied to several persons or things, as well as to one person or thing. Plural words may extend and be applied to one person or thing, as well as to several persons or things.

Who may be adopted.

Section 2. **Who May be Adopted.** Any child present within this state at the time the petition for adoption is filed, irrespective of place of birth or place of residence, may be adopted.

Who may adopt.

Section 3. **Who May Adopt.** The following persons are eligible to adopt a child:

(1) A husband and wife jointly, or either the husband or wife if the other spouse is a parent of the child.

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(2) An unmarried person who is at least 21 years old.

(3) A married person at least 21 years old who is legally separated from the other spouse.

(4) In the case of an illegitimate child, its unmarried father or mother.

Venue.

Section 4. **Venue.** Proceedings for adoption must be brought in the district court of the county where the petitioners reside.

Persons required to consent to the adoption.

Section 5. **Persons Required to Consent to the Adoption.** An adoption of a child may be decreed when there have been filed written consents to adoption executed by:

(1) Both parents, if living, or the surviving parent, of a legitimate child; provided, that consent shall not be required from a father or mother,

(a) deprived of civil rights by a court of competent jurisdiction; or,

(b) adjudged guilty by a court of competent jurisdiction of the crime of adultery; or,

(c) adjudged guilty by a court of competent jurisdiction of physical cruelty or habitual mental cruelty, toward said child; or,

(d) divorced by decree of a court of competent jurisdiction for adultery; or

(e) adjudged to be an habitual drunkard; or

(f) who has been judicially deprived of the custody of the child on account of cruelty or neglect toward the child; or,

(g) who has, in the State of Montana, or in any other state of the United States, wilfully abandoned such child; or,

(h) who has caused the child to be maintained by any public orphans' home, asylum, charitable home or charitable agency or any licensed adoption agency, or the state department of public welfare of the State of Montana for a period of one (1) year without contributing to the support of said child during said period; or

(2) The mother alone, if the child is illegitimate; or,

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(3) The legal guardian of the person of the child if both parents are dead or if the rights of the parents have been terminated by judicial proceedings and such guardian has authority by order of the court appointing him to consent to the adoption; or,

(4) The executive head of an agency if both parents are dead or if the child has been relinquished for adoption to such agency or if the rights of the parents have been judicially terminated and custody of the child has been legally vested in such agency with authority to consent to adoption of the child; or,

(5) Any person having legal custody of a child by court order if the parental rights of the parents have been judicially terminated, but in such case the court having jurisdiction of the custody of the child must consent to adoption, and a certified copy of its order shall be attached to the petition.

Witness or acknowledgement of consents required in (1) and (2).

The consents required by paragraphs (1) and (2) shall be acknowledged before an officer authorized to take acknowledgments, or witnessed by a representative of the state department of public welfare or of an agency, or witnessed by a representative of the court.

Withdrawal of consent.

Section 6. **Withdrawal of Consent.** Withdrawal of any consent filed in connection with a petition for adoption hereunder, shall not be permitted, except that the court, after notice and opportunity to be heard is given to the petitioner, to the person seeking to withdraw consent, and to any agency participating in the adoption proceedings, may, if it finds that the best interests of the child will be furthered thereby, issue a written order permitting the withdrawal of such consent. The entry of the interlocutory or final decree of adoption renders any consent irrevocable.

Entry of decree renders consent irrevocable.

Consent of the child.

Section 7. **Consent of the Child.** Consent of the child if twelve years of age or over, shall be required. Such consent shall be given in court, or be in writing, in such form as the court shall direct.

Petition for adoption, contents.

Section 8. **Petition for Adoption.** (1) A petition for adoption shall be filed in duplicate, verified by the petitioners, and shall specify:

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(a) The full names, ages and place of residence of the petitioners, and, if married, the place and date of the marriage.

(b) When the petitioners acquired or intend to acquire custody of the child and from what person or agency.

(c) The date and place of birth of child, if known.

(d) The name used for the child in the proceeding, and if a change in name is desired, the new name.

(e) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(f) A full description and statement of value of all property owned or possessed by the child.

(g) Facts, if any, which excuse consent on the part of a parent, to the adoption.

Copy of petition for court and copy to state department of public welfare and other agencies.

(2) One copy of the petition shall be retained by the court. The other shall be sent to the state department of public welfare and to any agency participating in the adoption proceeding.

Written consent attached to petition.

(3) Any written consent required by this act may be attached to the petition, or may be filed, after the filing of the petition, with the consent of the court.

Investigation may be required by court.

Section 9. **Investigation.** (1) Upon the filing of a petition for adoption the court may in its discretion order an investigation to be made by the state department of public welfare or any other private agency licensed and approved for such investigatory purposed by the state department of public welfare, and may in its discretion further order that a report of such investigation shall be filed with the court by the designated investigator within the time fixed by the court and in no event more thirty (30) days from the issuance of the order for investigation, unless time therefor is extended by the court. Such investigation if ordered by the court shall include the conditions and antecedents of the child for the purpose of determining whether he is a proper subject for adoption; appropriate inquiry to determine whether the proposed home is a suitable one for the child; and any other circumstances and conditions which may have a bearing on the adoption and of which the court should have knowledge.

Report.

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Separate investigations.

(2) The court may order agencies named in subsection (1) of this section located in one or more counties to make separate investigations on separate parts of the inquiry as may be appropriate.

Report of investigation part of file.

(3) The report of such investigation shall become a part of the files in the case and shall contain a definite recommendation for or against the proposed adoption and state reasons therefor.

Summary decree— waiver of requirements.

Section 10. **Summary Decree.** If the child is related by blood to one of the petitioners, or is a stepchild of the petitioner, or the court finds that the best interests of the child will be furthered thereby, the court, after examination of the report required in section 9, in its discretion may waive the entry of an interlocutory decree and the waiting period of six (6) months provided in section 11 and grant a final decree of adoption if satisfied that the adoption is for the best interests of the child.

Interlocutory and final decree.

Section 11. **Interlocutory and Final Decree.** Upon examination of the report described in section 9 and after hearing, the court may issue an interlocutory decree giving the care and custody of the child to the petitioners, pending the further order of the court. Thereafter the investigator shall observe the child in his adoptive home and report in writing to the court within six (6) months on any circumstances or conditions which may have a bearing on the adoption. After six (6) months from the date of the interlocutory decree the petitioners may apply to the court for a final decree of adoption. The court shall thereupon set a time and place for final hearing. Notice of the time and date of the hearing shall be served on the state department of public welfare and the investigator. The investigator shall file with the court a written report of its findings and recommendations and certify that the described investigation if any, has been made since the granting of the interlocutory decree. After hearing on said application, at which the petitioners and the child shall appear, unless the presence of the child is waived by the court, the court may enter a final decree of adoption if satisfied that the adoption is for the best interests of the child.

Petition for final decree, time, notice, hearing.

Effect of final decree, relation of parent and child.

Section 12. **Effect of Final Decree.** (1) After the final decree of adoption is entered the relation of parent and child and all the rights, duties and other legal consequences of the natural relation of child and parent shall

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thereafter exist between such adopted child and the adoptive parents adopting such child and the kindred of the adoptive parents. From the date of the final decree of adoption, the child shall be entitled to inherit real and personal property from and through the adoptive parents in accordance with the statutes of descent and distribution, and the adoptive parents shall be entitled to inherit real and personal property from and through the child in accordance with said statutes.

Natural parents relieved of responsibility.

(2) After a final decree of adoption is entered, the natural parents of the adopted child, unless they are the adoptive parents or the spouse of an adoptive parent shall be relieved of all parental responsibilities for said child and have no rights over such adopted child or to his property by descent and distribution.

Hearing confidential.

Section 13. **Confidential Nature of Record and Proceedings.** (1). Unless the court shall otherwise order, all hearings held in proceedings under this act shall be confidential and shall be held in closed court without admittance of any person other than interested parties and their counsel.

Papers and records confidential.

(2) All papers and records pertaining to the adoption shall be kept as a permanent record of the court and withheld from inspection. No person shall have access to such records except on order of the judge of the court in which the decree of adoption was entered for good cause shown.

Exception—order of court.

All other files and records confidential.

(3) All files and records pertaining to said adoption proceedings in the county and state departments of public welfare or any authorized agencies shall be confidential and withheld from inspection except upon order of court for good cause shown.

Appeal.

Section 14. **Appeal.** An appeal may be taken from any final order, judgment or decree rendered hereunder to the district court by any person aggrieved thereby, in the manner provided for appeals from said court in other civil matters.

Foreign adoption decrees recognized.

Section 15. **Foreign Adoption Decrees.** When the relationship of parent and child has been created by a decree of adoption of a court of any other state or nation, the rights and obligations of the parties as to matters within the jurisdiction of this state shall be determined by section 12 of this act.

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Uniformity of interpretation.

Section 16. **Uniformity of Interpretation.** This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Act cited.

Section 17. This act may be cited as the "uniform adoption act."

Repealing clause.

Section 18. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1957.

CHAPTER 241

An Act to Amend Section 45 of Chapter 263 of the Session Laws of the Thirty-fourth Legislative Assembly of the State of Montana, 1955, Relating to Special Speed Limits on Trucks, Truck-Tractors, Motor-Driven Cycles; by Fixing Special Speed Limit for Vehicles Towing House Trailers; by Increasing Speed Limit on Trucks, Truck-Tractors from Forty-five (45) to Fifty (50) Miles Per Hour; by Correcting the Section Reference Made In Paragraph (b) from Section 113 to Section 112, Chapter 263, Laws of 1955, by Providing That All Acts and Parts of Acts in Conflict Herewith Are Hereby Repealed.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 45 of chapter 263 of the session laws of the thirty-fourth legislative assembly of the State of Montana, 1955, be, and the same is hereby amended to read as follows:

"Section 45. **Special Speed Limitations on Trucks, Truck-tractors, Motor-driven Cycles** *and Vehicles Towing House Trailers.* (a) No person shall operate any truck or truck-tractor the gross weight of which exceeds *six* thousand (*6*,000) pounds at a speed greater than *fifty (50)* miles per hour.

Truck or truck-tractor speed limits.

Motor-driven cycle.

"(b) No person shall operate any motor-driven cycle at any time mentioned in section 112, chapter 263, laws of 1955, at a speed greater than thirty-five (35) miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred (300) feet ahead."

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Vehicles towing house trailer.

(c) No person shall operate a vehicle which is towing a house trailer at a speed greater than a maximum of fifty (50) miles per hour.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1957.

CHAPTER 242

An Act to Provide for the Incorporation and Organization and Management of County Water Districts; to Provide for the Acquisition of Water Rights or Construction Thereby of Waterworks; and for the Acquisition of All Property Necessary Therefor; and Also to Provide for the Distribution and Sale of Water by Said Districts; Providing for Severability and An Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

County water districts may be organized.

Section 1. **Organization of County Water Districts.** A county water district may be organized and incorporated and managed as herein expressly provided and may exercise the powers herein expressly granted or necessarily implied.

People of any county and/or city or county of not less than 300.

Section 2. **Organization of County Water Districts.** The people of any county, or portion of a county, or city and county, whether such portion includes unincorporated territory or not, in the State of Montana, having a population of not less than three hundred (300) inhabitants, may organize a county water district under the provisions of this act by proceeding as herein provided.

Petition to board by 10% of registered voters.

Section 3. **Petition—Boundaries of District—Publication.** A petition, which may consist of any number of separate instruments, shall be presented at a regular meeting of the board of commissioners of the county in which the proposed water district is located, signed by the registered voters within the boundaries of the proposed water district, equal in number to at least ten per centum (10%) of the registered voters of the territory included in such proposed water district. Such petition shall set forth and describe the proposed boundaries of such water district, and shall pray that the same be incorporated un-

Contents.

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Publication of petition, notice of hearing.

der the provisions of this act, and the text of such petition shall be published for ten (10) consecutive days in a daily newspaper or in two (2) issues of a weekly newspaper printed and published in such county, together with a notice stating the time of the meeting at which same will be presented. The first publication shall be at least two (2) weeks before the time at which the petition is to be presented. When contained upon more than one (1) instrument, one (1) copy only of such petition need be published. No more than five of the names attached to said petition need appear in such publication of said petition and notice, but the number of signers shall be stated.

Section 4. **Time of Consideration — Final Hearing.** With such publication there shall be published a notice of the time of the meeting of the board when such petition will be considered and that all persons interested therein may then appear and be heard. At such time

Hearing.

the board of commissioners shall hear the petition and those appearing thereon together with such written protests as shall have been filed with the county clerk and recorder prior to such hearing by or on behalf of owners of taxable property situated within the boundaries of the proposed district and may adjourn such hearing from time to time, not exceeding four (4) weeks in all.

Defects not fatal.

No defect in the contents of the petition or in the title to or form of the notice or signatures, or lack of signatures, thereto shall vitiate any proceedings thereon, provided such petition or petitions have a sufficient number of qualified signatures attached thereto. On the

Changes may be made in boundaries.

final hearing said board shall make such changes in the proposed boundaries as may be deemed advisable and shall define and establish such boundaries, but said board shall not modify said boundaries as to exclude from such proposed district any territory which would be benefited by the formation of such district; nor shall any lands which will not, in the judgment of said board, be benefited by such district be included within such proposed district. Any person whose lands are benefited by such district may upon his application, in the discretion of said board, have such lands included within said proposed district.

Section 5. **Proposition Submitted—Who May Vote—Certificate of Secretary of State—District Deemed In-**

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corporated — Must Hear Testimony — Suit Commenced Within One Year—Election. Upon such hearing of said petition, the board of commissioners shall determine whether or not said petition complies with the requirements of the provisions of this act, and for that purpose must hear all competent and relevant testimony offered in support of or in opposition thereto. Such determination shall be entered upon the minutes of said board of commissioners. A finding of the board of commissioners in favor of the genuineness and sufficiency of the petition and notice shall be final and conclusive against all persons except the State of Montana upon suit commenced by the attorney general. Any such suit must be commenced within one (1) year after the order of the board of commissioners declaring such district organized as herein provided, and not otherwise. Upon the final determination of the boundaries of the district the board of commissioners shall give notice of an election to be held in said proposed water district for the purpose of determining whether or not the same shall be incorporated, the date of which election shall be not more than sixty (60) days from the date of the final hearing of such petition. Such notice shall describe the boundaries so established and shall state the proposed name of the proposed incorporation (which name shall contain the words "..... county water district"), and this notice shall be published for ten (10) consecutive days in a daily newspaper or in two (2) issues of a weekly newspaper printed and published in said county. The first publication shall be made at least two (2) weeks before the time at which the election is to be held. At such election the proposition to be submitted shall be: "Shall the proposition to organize ..... county water district under (naming the chapter containing this act) of the acts of the ..... session of the Montana legislature and amendments thereto be adopted?" And the election thereupon shall be conducted, the vote canvassed and the result declared in the same manner as provided by law in respect to general elections, so far as they may be applicable, except as in this act otherwise provided. No person shall be entitled to vote at any election under the provisions of this act unless such person possesses all the qualifications required of electors under the general election laws of the state, and is the owner of taxable real property situated

Determination of board of county commissioners.

Finding in favor of petition final and conclusive, except as to the state.

Notice of election of incorporation.

Publication of notice.

Proposition to be submitted at election.

Electors qualified to vote.

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Vote canvass.

within the boundaries of the proposed district. Within four (4) days after such election the vote shall be canvassed by the board of commissioners. If a majority of the votes cast at such election in each municipal corporation or part thereof and in the unincorporated territory included in such proposed water district shall be in favor of organizing such county water district, said board shall by an order entered on its minutes declare the territory enclosed within the proposed boundaries duly organized as a county water district under the name theretofore designated, and the county clerk shall immediately cause to be filed with the secretary of state and shall cause to be recorded in the office of the county recorder of the county in which such district is situated, each, a certificate stating that such a proposition was adopted. Upon the receipt of such last-mentioned certificate the secretary of state shall, within ten (10) days, issue his certificate reciting that the county water district (naming it) has been duly incorporated according to the laws of the State of Montana. A copy of such certificate shall be transmitted to and filed with the county clerk of the county in which such county water district is situated. From and after the date of such certificate, the district named therein shall be deemed incorporated as a county water district, with all the rights, privileges and powers set forth in this act and necessarily incident thereto. In case less than a majority of the votes cast are in favor of said proposition the organization fails but without prejudice to renewing proceedings at any time in the future.

Vote in favor board order to be entered declaring such organization.

Clerk to file certificate with secretary of state and record with county clerk.

Certificate by secretary of state.

Copy to county clerk.

Deemed incorporated.

Failure on vote.

Election of board of directors.

Section 6. **Election of Directors—Term of Office.** At an election to be held within such district under the provisions of this act and the laws governing general elections not inconsistent herewith, the county water district thus organized shall proceed within ninety (90) days after its formation to the election of a board of directors consisting, if there are no municipalities within the boundaries of said district, of five (5) members. In all cases where the boundaries of such water district include any municipality or municipalities, said board of directors, in addition to said five (5) directors to be elected as aforesaid, shall consist of one (1) additional director for each one of said municipalities within such county water district, each such additional director to be

5 members to be elected.

Additional members authorized for municipalities, when included.

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appointed by the mayor of the municipality for which said additional director is allowed; and if there be any unincorporated territory within said water district, of one additional director, to be appointed by the said board of commissioners. Any director so elected or appointed shall be a qualified freeholder and a resident of said district. All directors, elected or appointed, shall hold office until the election and qualification or appointment and qualification of their successors. The term of office of directors elected under the provisions of this act shall be four (4) years from and after the date of their election; provided, that the directors first elected after the passage of this act shall hold office only until the election and qualification of their successors as hereinafter provided. The term of office of directors appointed by said mayor or mayors or by said board of commissioners shall be six (6) years from and after the date of appointment. Directors to be first appointed under the provisions of this act shall be appointed within ninety (90) days after the formation of the district. The election of directors of such county water district shall be in every fourth year after its organization, on the fourth Tuesday in March, and shall be known as the "general water district election." All other elections which may be held by authority of this act, or of the general laws, shall be known as special water district election.

Appointment.

One member for unincorporated territory.

Tenure.

Terms.

General water district election, every fourth year.

Special water district election.

Section 7. **Nomination of Officers.** (1) The mode of nomination and election of all elective officers of such water district to be voted for at any water district election and the mode of appointment of a director or directors by said mayor or mayors or by said board of commissioners shall be as follows and not otherwise.

Method of nomination and election of officers, appointment of directors.

(2) The name of a candidate shall be printed upon the ballot when a petition of nomination shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Name on ballot.

(3) The petition of nomination shall consist of not less than twenty-five (25) individual certificates, which shall read substantially as follows:

Petition of nomination, 25 individual certificates, form.

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PETITION OF NOMINATION

Individual Certificate.

State of Montana)
)ss.
County of .....)

Prec. No. .....

I, the undersigned, certify that I do hereby join in a petition for the nomination of ....., whose residence is at ..... for the office of ..... of the ..... county water district to be voted for at the water district election to be held in the ..... county water district on the ..... day of ....., 19.....; and I further certify that I am a qualified elector and freeholder residing within said district, and am not at this time a signer of any other petition nominating any other candidate for the above named office; or, in case there are several places to be filled in the above named office, that I have not signed more petitions than there are places to be filled in the above named office; that my residence is at No. ..... street, ..., and that my occupation is .....

(Signed) .....

State of .....)
)ss.
County of .....)

....., being duly sworn, deposes and says that he is the person who signed the foregoing certificate and that the statements therein are true and correct.

(Signed) .....

Subscribed and sworn to before me this ..... day of ....., 19.....

.....
Notary Public

The petition of nomination of which this certificate forms a part shall, if found insufficient, be returned to ....., at ....., Montana.

Clerk to furnish forms.

(4) **Clerk to Furnish Forms.** It shall be the duty of the county clerk to furnish upon application a reasonable number of forms of individual certificates of the above character.

Certificates.

(5) **Certificates.** Each certificate must be a separate paper. All certificates must be of uniform size as deter-

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mined by the county clerk. Each certificate must contain the name of one signer thereto and no more. Each certificate shall contain the name of one candidate and no more. Each signer must be a qualified elector residing within said district, must not at the time of signing a certificate have his name signed to any other certificate for any other candidate for the same office, nor, in case there are several places to be filled in the same office, signed to more certificates for candidates for that office than there are places to be filled in such office. In case an elector has signed two or more conflicting certificates, all such certificates shall be rejected. Each signer must verify his certificate and make oath that the same is true, before a notary public. Each certificate shall further contain the name and address of the person to whom the petition is to be returned in case said petition is found insufficient.

Time for nominating petition.

(6) **Presentation of Petition.** A petition of nomination, consisting of not less than twenty-five (25) individual certificates for any one candidate, may be presented to the county clerk not earlier than forty-five (45) days nor later than thirty (30) days before the election. The county clerk shall indorse thereon the date upon which the petition was presented to him.

Clerk to examine petition.

(7) **Examination of Petition.** When a petition of nomination is presented for filing to the county clerk, he shall forthwith examine the same, and ascertain whether or not it conforms to the provisions of this section. If found not to conform thereto, he shall then and there in writing designate on said petition the defect or omission or reason why such petition can not be filed, and shall return the petition to the person named as the person to whom the same may be returned in accordance with this section. The petition may then be amended and again presented to the clerk as in the first instance. The clerk shall forthwith proceed to examine the petition as hereinbefore provided. If necessary, the board of commissioners shall provide extra help to enable the clerk to perform satisfactorily and promptly the duties imposed by the section.

Amendment allowed.

Verified revocation required for withdrawal of name from petition.

(8) **Signer May Withdaw Name.** Any signer to a petition of nomination and certificate may withdraw his name from the same by filing with the county clerk a

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verified revocation of his signature before the filing of his petition by the clerk, and not otherwise. He shall then be at liberty to sign a petition for another candidate for the same office.

Procedure for withdrawal by candidate.

(9) **Candidate May Withdraw.** Any person whose name has been presented under this section as a candidate may, not later than twenty-five (25) days before the day of election, cause his name to be withdrawn from nomination by filing with the county clerk a request therefor in writing, and no name so withdrawn shall be printed upon the ballot. If, upon such withdrawal, the number of candidates remaining does not exceed the number to be elected, then other nominations may be made by filing petitions therefor not later than twenty-five (25) days prior to such election.

Petition to be filed by clerk.

(10) **Petition Filed.** If either the original or amended petition of nomination be found sufficiently signed as hereinbefore provided, the clerk shall file the same twenty-five (25) days before the date of the election. When a petition of nomination shall have been filed by the clerk it shall not be withdrawn or added to and no signature shall be revoked thereafter.

Preservation of petitions, two years.

(11) **Petitions Preserved.** The county clerk shall preserve in his office for a period of two years, all petitions of nomination and all certificates belonging thereto, filed under this section.

List of candidates nominated published in election proclamation.

(12) **List of Candidates.** Immediately after such petitions are filed, the county clerk shall enter the names of the candidates in a list, with the offices to be filled, and shall not later than twenty (20) days before the election certify such list as being the list of candidates nominated as required by the provisions of this act, and the board of commissioners shall cause said certified list of names and the offices to be filled, to be published in the proclamation calling the election at least ten (10) successive days before the election in at least one (1) but not more than three (3) newspapers of general circulation published in the county in which such municipal water district is located. Such proclamation shall conform in all respects to the general state law governing the conduct of general elections now or hereafter in force, applicable thereto, except as otherwise herein provided.

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Form of ballotts.

(13) **Ballots. Form.** The county clerk shall cause the ballots to be printed and bound and numbered as provided by said general state law, except as otherwise required in this act. The ballots shall contain the list of names and the respective offices as published in the proclamation and shall be in substantially the following form:

GENERAL (OR SPECIAL) DISTRICT ELECTION.

..... County Water District,
(Inserting date thereof.)

Instructions to Voters: To vote, stamp or write a cross (X) opposite the name of the candidate for whom you desire to vote. All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear or deface this ballot, return it to the inspector of election, and obtain another.

Printing of ballots, contents and requirements.

(14) **How Printed.** All ballots printed shall be precisely on the same size, quality, tint of paper, kind of type, and color of ink, so that without the number it would be impossible to distinguish one ballot from another; and the names of all candidates printed upon the ballot shall be in type of the same size and style. A column may be provided on the right-hand side for questions to be voted upon at municipal water district election, as provided for under this act. The names of the candidates for each office shall be arranged in alphabetical order, and nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate.

(15) **No Candidate Omitted.** The name of no candidate who has been duly and regularly nominated, and who has not withdrawn his name as herein provided shall be omitted from the ballot.

(16) **Office.** The offices to be filled shall be arranged in the following order: "For director vote for (giving number)."

(17) **Voting Squares.** Half-inch square shall be provided at the right of the name of each candidate wherein to mark the cross.

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(18) **Spaces Below Printed Names.** Half-inch spaces shall be left below the printed names of candidates for each office, equal in number to the number to be voted for, wherein the voter may write the name of any person or persons for whom he may wish to vote.

Votes necessary to elect.

(19) **Votes Necessary to Elect.** In case there is but one person to be elected to an office, the candidate receiving a majority of the votes cast for all the candidates for that office, shall be declared elected; in case there are two or more persons to be elected to an office, as that of director, then those candidates equal in number to the number to be elected, who receive the highest number of votes for such office shall be declared elected.

Failure to qualify.

(20) **Failure to Qualify.** If a person elected fails to qualify, the office shall be filled as if there were a vacancy in such office, as hereinafter provided.

Appointment by mayor or board of county commissioners.

(21) **Mode of Appointment by Mayor.** The mode of appointment of director or directors by a mayor, or by a board of commissioners, shall be by certificate of appointment signed by said mayor or mayors, or issued by said board of commissioners, and transmitted to the board of directors of said county water district.

Informalities in election not to invalidate.

(22) **Informality Not to Invalidate.** No informality in conducting county water district elections shall invalidate the same, if they have been conducted by directors to fill a vacancy, or appointed by a mayor or by this act.

General election laws to govern.

Section 8. **General Law to Govern.** The provisions of the law relating to the qualifications of electors, the manner of voting, the duties of election officers, the canvassing of returns, and all other particulars in respect to the management of general elections, so far as they may be applicable, shall govern all water district elections, except as in this act otherwise provided; provided, that the board of commissioners shall canvass the returns of the first election and that thereafter, except as herein provided, the board of directors shall meet as a canvassing board and duly canvass the returns within four (4) days after any water district election, including any water district bond election.

Proviso—canvass.

Officers subject to recall.

Section 9. **Officers Subject to Recall.** Every incumbent of an elective office, whether elected by popular

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vote for a full term, or elected by the board of directors to fill a vacancy, or appointed by a mayor or by said board of commissioners for a full term, is subject to recall by the voters of any county water district organized under the provisions of this act, in accordance with the recall provisions of sections 11-3220 to 11-3227, Revised Codes of Montana, both inclusive, applicable to officers under the commissioner-manager plan.

Board of directors, organization, meetings, quorum rules.

Section 10. **Organization of Board.** The board of directors shall be the governing body of such county water district. It shall hold its first meeting on the sixth Monday after the first general election for the election of directors as herein provided; it shall choose one of its members president, and shall thereupon provide for the time and place of holding its meetings and the manner in which its special meetings may be called. All legislative sessions of the board of directors whether regular or special shall be open to the public. A majority of the board of directors shall constitute a quorum for the transaction of business. The board of directors shall establish rules for its proceedings.

Action by ordinance or resolution.

Section 11. **Ordinances. Enacting Clause. Compensation.** The board of directors shall act only by ordinance or resolution. The ayes and noes shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the board of directors. No ordinance or resolution shall be passed or become effective without the affirmative votes of at least a majority of the total members of the board. The enacting clause of all ordinances passed by the board shall be in these words: "Be it ordained by the board of directors of ..... county water district as follows:" All resolutions and ordinances shall be signed by the president of the board of directors and attested by the secretary. Each of the members of the board of directors shall receive for each attendance at the meetings of the board ten dollars ($10.00), and shall receive no other compensation. No director, however, shall receive pay for more than three (3) meetings in any calendar month. Any vacancy in the board of directors, whether the vacant office is elective or appointive, shall be filled by the remaining directors.

Enacting clause.

Compensation.

Limitation.

Vacancies.

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General manager, secretary and auditor.

Section 12. **General Manager, Secretary and Auditor.** The board of directors shall at its first meeting, or as soon thereafter as practicable, appoint, by a majority vote, a general manager, a secretary, and an auditor. No director shall be eligible to the office of general manager, secretary, or auditor. The general manager, secretary, and auditor, shall receive such compensation as the board of directors shall determine, and each shall serve at the pleasure of the board.

Informality not to invalidate.

Section 13. **Informality Not to Invalidate.** No informality in any proceeding or informality in the conduct of any election, not substantially affecting adversely the legal rights of any citizen, shall be held to invalidate the incorporation of any county water district, and any proceeding wherein the validity of such incorporation is denied shall be commenced within three (3) months from the date of the certificate of incorporation, otherwise said incorporation and the legal existence of said county water district, and all proceedings in respect thereto, shall be held to be valid and in every respect legal and incontestable.

Powers of district.

Section 14. **Powers of District.** Any county water district incorporated as herein provided shall have power:

(1) To have perpetual succession;

(2) **Sue and Be Sued.** To sue and be sued, except as otherwise provided herein or by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction;

(3) **Adopt Seal.** To adopt a seal and alter it at pleasure.

(4) **Hold Property.** To take by grant, purchase, gift, devise, or lease; to hold, use, enjoy, and to lease or dispose of real and personal property of every kind, within or without the district, necessary to the full exercise of its powers;

(5) **Acquire Waterworks.** To construct, purchase, lease, or otherwise acquire, and to operate and maintain water rights, water works, canals, conduits, reservoirs, lands and rights useful or necessary to store, conserve, supply, produce, or convey water for household, domestic or other similar purposes for the benefit of the district;

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Storing and conservation of water for future use.

(6) **Store Water.** To store water for the benefit of the district; to conserve water for future use; to appropriate, acquire and conserve water and water rights for the purposes of the district; to commence, maintain, intervene in and compromise, in the name of the district, and to assume the costs of any action or proceeding involving or affecting the ownership or use of waters or water rights within the district used or useful for any purpose of the district or a benefit to any land situated therein; to commence, maintain, intervene in, defend and compromise actions and proceedings to prevent interference with or diminution of the natural flow of any stream or natural subterranean supply of waters used or useful for any purpose of the district or a common benefit to the lands within the district or its inhabitants; and to commence, maintain and defend actions and proceedings to prevent any such interference with the aforesaid waters as may endanger the inhabitants or lands of the district;

Leasing of water works with privilege of purchase.

(7) **Lease Waterworks.** To lease of and from any person, firm, or public or private corporation with the privilege of purchase, or otherwise, existing water rights, water works, canals or reservoir systems; and to carry on and maintain the same; also to sell water, or the use thereof, for household or domestic use or other similar purposes; and whenever there is a surplus of water to sell or otherwise dispose of the same, to municipalities or towns or to consumers located within or without the boundaries of the district;

Cooperate with federal government and contract for construction purposes.

(8) **Cooperate With the United States.** To cooperate and contract with the United States under the federal reclamation act of June 17, 1902 and all acts amendatory thereof and supplementary thereto or any other act of congress authorizing or permitting such cooperation or contract for purposes of construction of works necessary or appropriate for the purposes of the district or for the acquisition, purchase. extension, operation, or maintenance of such works, or for a water supply or for the assumption as principal or guarantor of indebtedness to the United States and to carry out and perform the terms of any contract so made;

(9) **Borrow Money.** To borrow money and incur indebtedness and to issue bonds or other evidence of such

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indebtedness; also to refund or retire any indebtedness or lien that may exist against the district or property thereof;

(10) **Levy Taxes.** To cause taxes to be levied in the manner provided for herein for the purpose of paying any obligation of the district and to accomplish the purposes of this act in the manner herein provided;

(11) **Make Contracts.** To make contracts, to employ labor and to do all acts necessary for the full exercise of the foregoing powers.

Powers to be exercised by board.

Section 15. **Powers Exercised by Board.** The powers herein enumerated shall, except as herein otherwise provided, be exercised by the board of directors above provided for and elected and appointed as described herein.

Duties of officers of the board, president.

Secretary.

General manager.

Auditor.

Depositary of funds.

Section 16. **Duties of Officers of Board. Depositary of Funds. Officers' Bonds.** The president shall sign all contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The secretary shall countersign all contracts on behalf of the district and perform such other duties as may be imposed by the board of directors. The general manager shall have full charge and control of the maintenance, operation and construction of the waterworks or waterworks system of said water district, with full power and authority to employ and discharge all employees and assistants at pleasure, prescribe their duties, and shall, subject to the approval of the board of directors, fix their compensation. The general manager shall perform such other duties as may be imposed upon him by the board of directors. The general manager shall report to the board of directors in accordance with such rules and regulations as they may adopt. The auditor shall be charged with the duty of installing and maintaining a system of auditing and accounting that shall completely and at all times show the financial condition of the district. He shall draw warrants to pay demands made against the district when such demands have been first approved by at least three (3) members of the board of directors and by the general manager. The board of directors shall also designate a depositary or depositaries to have the custody of the funds of the district, all of which depositaries shall give security sufficient to secure the district against possible loss, and who shall pay the war-

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rants drawn by the auditor for demands against the district under such rules as the directors may prescribe. The general manager, secretary and auditor, and all other employees or assistants of said district who may be required so to do by the board of directors, shall give bonds to the district conditioned for the faithful performance of their duties as the board of directors from time to time may provide.

Officers' bonds.

Section 17. **Bonded Indebtedness.** Whenever the board of directors deem it necessary for the district to incur a bonded indebtedness, it shall by a resolution so declare and state the purpose for which the proposed debt is to be incurred, the land within the district to be benefited thereby, the amount of debt to be incurred, the maximum term the bonds proposed to be issued shall run before maturity, which shall not exceed forty (40) years, and the maximum rate of interest to be paid, which shall not exceed seven per cent (7%) per annum, and the proposition to be submitted to the electors.

Bonded indebtedness.

Section 18. **Election.** The board of directors shall fix a date upon which an election shall be held for the purpose of authorizing said bonded indebtedness to be incurred. It shall be the duty of the board of directors to provide for holding such special election on the day so fixed, in accordance with the general election laws of the state, so far as the same shall be applicable, except as herein otherwise provided.

Election.

Section 19. **Notice.** Such board of directors shall give notice of the holding of such election, which notice shall contain the resolution adopted by the board of directors of the water district, boundaries of voting precincts, which shall include therein only the lands to be benefited, as stated in such resolution, the location of polling places, and the names of the officers selected to conduct the election, who shall consist of one judge, one inspector and two clerks in each precinct.

Notice.

Section 20. **Publication.** Such notice shall be published for ten (10) consecutive days in a daily newspaper or in two (2) issues of a weekly newspaper published in such water district, which newspaper shall be designated by the board of directors; and if there is no newspaper printed in such water district, then in some newspaper of general circulation published in the county in which the district is situated. Every qualified elector

Publication of notice.

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residing within such voting precincts, but no others, shall be entitled to vote at such election. All the expenses of holding such election shall be borne by the district.

Canvass of returns.

Section 21. **Canvass of Returns.** The returns of such election shall be made to and the votes canvassed by said board of directors on the first Monday following said election, and the results thereof ascertained and declared in accordance with the general election laws of the state, so far as they may be applicable, except as herein otherwise provided. The secretary of the board of directors, as soon as the result is declared, shall enter in the records of such board a statement of such results. No irregularities or informalities in conducting such election shall invalidate the same, if the election shall have otherwise been fairly conducted. In all respects not otherwise provided for herein, said election shall be called, managed and directed as is by law provided for general elections in this state applicable thereto, except as herein otherwise provided.

Two-thirds vote necessary.

Section 22. **Two-thirds Vote Necessary.** If from such returns it appears that more than two-thirds of the votes cast at such election were in favor of and assented to the incurring of such indebtedness, then the board of directors may, by resolution, at such time or times as it deems proper, provide for the form and execution of such bonds and for the issuance of any part thereof, and may sell or dispose of the bonds so issued at such times or in such manner as it may deem to be to the public interest.

Value of bonds issued.

Section 23. **Value of Bonds Issued.** Any bonds issued by any district organized under the provisions of this act are hereby given the same force, value and use as bonds issued by any municipality and shall be exempt from all taxation within the State of Montana.

Power to construct works.

Section 24. **Power to Construct Works Across Streets, etc. Right of Way Through State Lands.** The board of directors shall have power to construct works across any stream of water, watercourse, street, avenue, highway, railway, canal, ditch or flume which the route of said works may intersect or cross; provided, such works are constructed in such manner as to afford security for life and property, and said board of directors shall restore the crossings and intersections to their former state as near

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as may be, or in manner not to have impaired unnecessarily their usefulness. The right of way is hereby given, dedicated and set apart to locate, construct and maintain said works over and through any of the lands which are now or may be the property of this state, and to have the same rights and privileges appertaining thereto as have been or may be granted to the municipalities within the state.

Right of way through state lands.

Sestion 25. **Water Rates.** The board of directors shall fix all water rates, and shall through the general manager collect the charges for the sale and distribution of water to all users.

Water rates.

Section 25. **Water Rates.** The board of directors, board of directors in the furnishing of water shall fix such rate as will pay the operating expenses of the district, provide for repairs and depreciation of works owned or operated by it, pay the interest on any bonded debt, and, so far as possible, provide a sinking or other fund for the payment of the principal of such debt as it may become due; it being the intention of this section to require the district to pay the interest and principal of its bonded debt from the revenues of the district.

Water rate to pay for operating expenses.

Section 27. **Commissioners to Levy Water Taxes.** If, from any cause, the revenues of the district shall be inadequate to pay the interest or principal of any bonded debt as it becomes due or any other expenses or claims against the district, then the board of directors must, at least fifteen (15) days before the first day of the month in which the board of commissioners of the county, or city and county, in which such water district is located, is required by law to levy the amount of taxes required for county or city and county purposes, furnish to the board of commissioners and to the auditor, respectively, an estimate in writing of the minimum amount of money required by the district for the payment of the principal or interest on any bonded debt as it becomes due, together with a description of the lands benefited thereby, as stated by the board of directors in the resolution declaring the necessity to incur such bonded indebtedness, and also of the minimum amount of money required by the district for any other purpose in this section set forth, and the board of commissioners of such county or city and county must annually, at the time and in the manner of levying other county or city and county taxes and

Commissioners may levy water taxes.

Estimate in writing of minimum amount required.

Resolution.

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until any such bonded debt is fully paid, levy upon the lands so benefited and cause to be collected, a tax sufficient for the payment thereof to be known as the "..... County water district bond tax"; and until all other expenses or claims are fully paid, levy upon all of the lands of the district and cause to be collected a tax sufficient for the payment thereof to be known as the "..... county water district water tax."

County water district bond tax.

Assessment.

When the minimum amount of money required for any purpose in this section enumerated has been determined, each lot or parcel of land to be assessed shall be assessed with that part of the amount of money required which its area bears to the total area of all the lands to be assessed; or where the water district is located more than one (1) mile from the boundary of an incorporated city or town, said assessment may, at the option of the board of county commissioners, be based upon the assessed value of the lots or parcels of land within said district.

Levy and collection of tax.

Section 28. **Levy and Collection of Tax.** Such taxes for the payment of any such bonded debt shall be levied on the property benefited thereby, as stated by the board of directors in the resolution declaring the necessity therefor, and all taxes for other purposes shall be levied on all property in the territory comprising the district. All such taxes shall be collected at the same time and in the same manner and form as county taxes are collected, and when collected shall be paid to the district for which such taxes were levied and collected. Such taxes, if for the payment of a bonded debt, shall be a lien on all the property benefited thereby, as so stated in the resolution of the board of directors aforesaid, and all taxes for other purposes shall be a lien on all the property in the territory comprising the district; and said taxes, whether for the payment of a bonded indebtedness or for other purposes, shall be of the same force and effect as other liens for taxes, and their collection shall be enforced by the same means as provided for in the enforcement of liens for state and county taxes.

Taxes to a lien.

Enforcement.

Initiative.

Section 29. **Initiative.** Ordinances may be passed by the electors of any county water district organized under the provisions of this act in accordance with the methods provided by the general laws of the state for direct legislation applicable to cities and towns.

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Referendum.

Section 30. **Referendum.** Ordinances may be disapproved and thereby vetoed by the electors of any such county water district by proceeding in accordance with the methods provided by the general laws of the state for protesting against legislation by cities and towns.

Adding to district.

Petition.

Ordinance.

Vote of electors.

Certification by secretary.

Certificate of secretary of state.

Section 31. **Adding to District.** Any portion of a county or any municipality, or both, may be added to any county water district organized under the provisions of this act, at any time, upon petition presented in the manner therein provided for the organization of such water district, which petition may be granted by ordinance of the board of directors of such water district. Such ordinance shall be submitted for adoption or rejection to the vote of the electors in such water district and in the proposed addition, at a general or special election held as herein provided, within seventy (70) days after the adoption of such ordinance. If such ordinance is approved, the president and secretary of the board of directors shall certify that fact to the secretary of state and to the county recorder of the county in which such water district is located. Upon the receipt of such last mentioned certificate the secretary of state shall, within ten (10) days, issue his certificate, reciting the passage of said ordinance and the addition of said territory to said district. A copy of such certificate shall be transmitted to and filed with the county clerk of the county in which such county water district is situated. From and after the date of such certificate the territory named therein shall be deemed added to and form a part of said county water district, with all the rights, privileges and powers set forth in this act and necessarily incident thereto.

Definitions, act construed.

"Municipality."

"County."

Section 32. **Definitions.** Nothing in this act shall be so construed as repealing or in any wise modifying the provisions of any other act relating to water or the supply of water to, or the acquisition thereof by counties or municipalities within this state. The term "municipality", as used in this act, shall include a consolidated city and county, city or town, and shall be understood and so construed as to include, and is hereby declared to include, all corporations heretofore organized and now existing and those hereafter organized for municipal purposes within such water districts. The term "county" shall be understood and construed to include "city and county." In municipalities in which there is no mayor

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the duty imposed upon said officer by the provisions of this act shall be performed by the president of the board of trustees or other chief executive of the municipality.

"District." The word "district" shall apply, unless otherwise expressed or used, to a water district formed under the

"Board." provisions of this act, and the word "board" and the words "boards of directors" shall apply to the board of directors of such district.

Exclusion of territory, procedure.

Section 33. **Exclusion of Territory. Petition. Contents. Duties of Secretary. Hearing. Order Excluding Lands.** Any territory, included within any county water district formed under the provisions of this act, and not benefited in any manner by such district, or its continued inclusion therein, may be excluded therefrom by order of the board of directors of such district upon the verified

Petition to be filed with secretary of district. petition of the owner or owners in fee of lands whose assessed value, with improvements, is in excess of one-half of the assessed value of all the lands, with improvements, held in private ownership in such territory. Said petition shall describe the territory sought to be excluded and shall set forth that such territory is not benefited in any manner by said county water district or its continued inclusion therein, and shall pray that such territory may be excluded and taken from said district. Such petition shall be filed with the secretary of the water district and

Deposit required. shall be accompanied by a deposit with such secretary of the sum of one hundred dollars ($100.00), to meet the expenses of advertising and other costs incident to the proceedings for the exclusion of such territory, including the cost of recording a certified copy of the order hereinafter provided for, any unconsumed balance to be returned

Meeting of board. to the petitioner. Upon the filing of such petition with the secretary of the water district he shall call a meeting of the board of directors of the district at a time not less than twenty-five (25) days nor more than fifty (50) days after the filing of the petition and cause a notice of

Publication of notice. the filing of such petition to be published for ten (10) consecutive days in a daily newspaper or in two (2) issues of a weekly newspaper within said district, if there be one, and if not, in some newspaper of general circulation published in the county in which the district is situated. Such notice shall also state the date of the filing of such petition and that the same will come on for hearing before the board of directors of the district and shall state the

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time of the hearing and the place thereof, which shall be the regular meeting place of the board of directors of the district; provided, that the board may adjourn the hearing to a more convenient meeting place within the district. Any landowner or taxpayer within the district shall have the right to appear at said hearing, either in behalf of or in opposition to the granting of said petition. Said petition shall come on for hearing before the board of directors of the district at the time and place specified in the notice of hearing. If upon such hearing the board of directors determines that it is for the best interests of the district that the lands mentioned in the petition, or some portion thereof, be excluded from the district, or if it appears that such lands, or some portion thereof, will not be benefited by their continued inclusion in the district, then the board of directors shall make an order that such lands, or such portion thereof, be excluded from the district, such order to describe specifically the lands so excluded. From the time of the making of such order the lands so excluded shall be deemed to be no longer included in the district, but such order of exclusion shall not be taken to invalidate in any manner any taxes or assessments theretofore levied or assessed against the lands so excluded. A copy of such order of exclusion, certified to by the secretary of the district, shall be recorded in the office of the county recorder of the county in which the district is situated and the record of such certified copy shall be deemed prima facie evidence of the exclusion from the district of the lands purporting to be excluded thereby.

Time of hearing.

Hearing.

Decision of the board.

Section 34. **Directors May Institute Proceedings for Exclusion, Hearing, Referendum.** The board of directors of any county water district formed under the provisions of this act may itself initiate the proceedings for the exclusion from the district of any land or lands which it may not be for the best interests of the district to be included, or which may not be benefited in any manner by their continued inclusion therein. Such proceedings shall be initiated by the board of directors by the passage of a resolution requiring all persons interested to appear and show cause before the board of directors, at a time and place specified, why such lands, describing them, should not be excluded from the district and fixing a time and place for such hearing and directing the secretary of the

Directors may institute proceedings for exclusion.

Resolution.

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Notice.

district to give notice of the passage of such resolution and of such hearing. Upon the passage of such resolution the secretary of the district shall give notice thereof and of the time and place of such hearing in the manner hereinbefore prescribed for notice of hearing upon petition by a landowner or landowners, and thereafter all proceedings shall be had in the manner and with the effect herein provided for proceedings upon a petition by a landowner or landowners. The time of hearing fixed by the board of directors by its resolution hereinbefore mentioned shall be not less than twenty-five (25) days nor more than fifty (50) days after the passage of such resolution and the place of hearing so fixed shall be a convienent place within the district; provided that the final action of the board of directors under this section shall be subject to the referendum by the electors of the water district according to section 30 of this act.

Hearing.

Proviso—action of board subject to referendum per sec. 30.

Severability clause.

Section 35. Every section of this act and every part of each section is hereby declared to be independent of each other, and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other section or part hereof.

Effective immediately.

Section 36. This act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1957.

CHAPTER 243

An Act Making It a Criminal Offense for Any Person to Own, Possess, Carry, Sell or Display a Switch Blade Knife, Defining a Switch Blade Knife, Making It a Criminal Offense and Providing a Punishment Therefor; Providing for the Effective Date of Said Act and Repealing All Acts and Parts of Acts In Conflict Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Unlawful to own, possess, use, store, sell or offer a switch blade knife.

Section 1. Every person who carries or bears upon his person or who carries or bears within or on any motor vehicle or other means of conveyance owned or operated by him or who owns, possesses, uses, stores, gives away, sells or offers for sale, a switch blade knife shall be

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punished by a fine not exceeding five hundred dollars ($500.00) or by imprisonment in the county jail for a period not exceeding six (6) months or by both such fine and imprisonment; provided; that a bona fide collector, whose collection is registered with the sheriff of the county in which said collection is located, is hereby exempted from the provisions of this act. For the purpose of this section a switch blade knife is defined as any knife which has a blade one and one-half (1½) inches long or longer, which opens automatically by hand pressure applied to a button, spring or other device in the handle of the knife.

Penalty.

Proviso—collectors excluded.

"Switch blade knife" defined.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 13, 1957.

CHAPTER 244

An Act Amending Section 41-1121, Revised Codes of Montana, 1947, Relating to the Hours of Labor for State, County, and Municipal Government Employees With Respect to Works and Undertakings Carried on Thereby, and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 41-1121, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"41-1121. (3079) **Hours of Labor for State and Municipal Governments, Mines, Mills, Smelters.** A period of eight hours shall constitute a day's work in all works and undertakings carried on or aided by any municipal, county, or state government, first class school districts, and on all contracts let by them, and for all janitors, except in court houses of sixth and seventh class counties, engineers, firemen, caretakers, custodians and laborers employed in or about any buildings, works or grounds used or occupied for any purpose by any municipal, county, or state governments, school districts of first

Hours of labor for state and municipal governments, mines, mills and smelters.

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class, and in mills and smelters for the treatment of ores, and in underground mines, and in the washing, reducing and treatment of coal; except in cases of emergency when life or property are in imminent danger."

Exception—emergencies.

Proviso—fire-fighters.

Provided, that for fire-fighters in cities of the first and second class, a work week shall be a period of a maximum of forty hours during a five day week.

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1957.

CHAPTER 245

An Act Concerning Gifts of Securities and Money to Minors; to Make Uniform the Law With Reference Thereto; Providing for Severability and Repealing All Acts and Parts of Acts In Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Definitions.

Section 1. **Definitions.** In this act, unless the context otherwise requires:

"Adult."

(a) An "adult" is a person who has attained the age of twenty-one years.

"Bank."

(b) A "bank" is a bank, trust company, national banking association, savings bank, industrial bank.

"Broker."

(c) A "broker" is a person lawfully engaged in the business of effecting transactions in securities for the account of others. The term includes a bank which effects such transactions. The term also includes a person lawfully engaged in buying and selling securities for his own account, through a broker or otherwise, as a part of a regular business.

"Court."

(d) "Court" means the district courts of general jurisdiction in the State of Montana.

"The custodial property."

(e) "The custodial property" includes:

(1) all securities and money under the supervision of the same custodian for the same minor as a consequence of a gift or gifts made to the minor in a manner prescribed in this act;

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(2) the income from the custodial property; and

(3) the proceeds, immediate and remote, from the sale, exchange, conversion, investment, reinvestment or other disposition of such securities, money and income.

"Custodian." (f) A "custodian" is a person so designated in a manner prescribed in this act.

"Guardian." (g) A "guardian" of a minor includes the general guardian, guardian, tutor or curator of his property, estate or person.

"Issuer." (h) An "issuer" is a person who places or authorizes the placing of his name on a security (other than as a transfer agent) to evidence that it represents a share, participation or other interest in his property or in an enterprise or to evidence his duty or undertaking to perform an obligation evidenced by the security, or who becomes responsible for or in place of any such person.

"Legal representative." (i) A "legal representative" of a person is his executor or the administrator, general guardian, guardian, committee, conservator, tutor or curator of his property or estate.

"Member," of minor's family (j) A "member" of a "minor's family" means any of the minor's parents, grandparents, brothers, sisters, uncles and aunts, whether of the whole blood or the half blood, or by or through legal adoption.

"Minor." (k) A "minor" is a person who has not attained the age of twenty-one years.

"Security." (l) A "security" includes any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest or participation in an oil, gas or mining title or lease, or in payments out of production under such a title or lease, collateral trust certificate, transferable share, voting trust certificate or, in general, any interest or instrument commonly known as a security, or any certificate of interest or participation in, any temporary or interim certificate, receipt or certificate of deposit for, or any warrant or right to subscribe to or purchase, any of the foregoing. The term does not include a security of which the donor is the issuer. A security is in "registered form" when it specifies a person entitled to it or to the rights it evidences and its transfer may

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be registered upon the books maintained for that purpose by or on behalf of the issuer.

"Transfer agent."

(m) A "transfer agent" is a person who acts as authenticating trustee, transfer agent, registrar or other agent for an issuer in the registration of transfers of its securities or in the issue of new securities, or in the cancellation of surrendered securities.

"Trust company."

(n) A "trust company" is a bank authorized to exercise trust powers in the State of Montana.

Manner of making a gift to a minor.

Section 2. **Manner of Making Gift.** (a) An adult person may, during his lifetime, make a gift of a security or money to a person who is a minor on the date of the gift:

Registered form.

(1) if the subject of the gift is a security in registered form, by registering it in the name of the donor, another adult person (an adult member of the minor's family, a guardian of the minor) or a trust company, followed, in substance, by the words: as custodian for..... (Name of Minor) under the Montana uniform gifts to minors act";

Non-registered form, delivery.

(2) if the subject of the gift is a security not in registered form, by delivering it to an adult person other than the donor (an adult member, other than the donor, of the minor's family, a guardian of the minor) or a trust company, accompanied by a statement of gift in the following form, in substance, signed by the donor and the person designated as custodian:

Statement of gift, form —uniform gifts to minors act.

"GIFT UNDER THE MONTANA UNIFORM GIFTS TO MINORS ACT

I, ..., hereby deliver to ..... (name of donor) (name of custodian) as custodian for ..... (name of minor) under the Montana uniform gifts to minors act, the following security(ies):

(insert an appropriate description of the security or securities delivered sufficient to identify it or them.)

..... (signature of donor)

..... (name of custodian) hereby acknowledges receipt of the above described security(ies) as custodian for the above

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minor under the Montana uniform gifts to minors act.
Dated:..... .....''
(signature of custodian)

(3) If the subject of the gift is money, by paying or delivering it to a broker or a bank for credit to an account in the name of the donor, another adult person (an adult member of the minor's family, a guardian of the minor) or a bank with trust powers, followed in substance, by the words: "as custodian for ..... under the Montana uniform gifts to minors act". Money.
(name of minor)

(b) Any gift made in a manner prescribed in subsection (a) may be made to only one minor and only one person may be the custodian. Limitation.

(c) A donor who makes a gift to a minor in a manner prescribed in subsection (a) shall promptly do all things within his power to put the subject of the gift in the possession and control of the custodian, but neither the donor's failure to comply with this subsection, nor his designation of an ineligible person as custodian, nor renunciation by the person designated as custodian affects the consummation of the gift. Duty of donor.

Section 3. **Effect of Gift.** (a) A gift made in a manner prescribed in this act is irrevocable and conveys to the minor indefeasibly vested legal title to the security or money given, but no guardian of the minor has any right, power, duty or authority with respect to the custodial property except as provided in this act. Effect of gift.

(b) By making a gift in a manner prescribed in this act, the donor incorporates in his gift all the provisions of this act and grants to the custodian, and to any issuer, transfer agent, bank, broker or third person dealing with a person designated as custodian, the respective powers, rights and immunities provided in this act.

Section 4. **Duties and Powers of Custodian.** (a) The custodian shall collect, hold, manage, invest and reinvest the custodial property. Duties and powers of custodian.

(b) The custodian shall pay over to the minor for expenditure by him, or expend for the minor's benefit, so much of or all the custodial property as the custodian deems advisable for the support, maintenance, education and benefit of the minor in the manner, at the time or Pay over for support, maintenance and education.

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times, and to the extent that the custodian in his discretion deems suitable and proper, with or without court order, with or without regard to the duty of himself or of any other person to support the minor or his ability to do so, and with or without regard to any other income or property of the minor which may be applicable or available for any such purpose.

Petition, court may order payment.

(c) The court, on the petition of a parent or guardian of the minor or of the minor, if he has attained the age of fourteen years, may order the custodian to pay over to the minor for expenditure by him or to expend so much of or all the custodial property as is necessary for the minor's support, maintenance or education.

Minor to receive on reaching age of 21.

(d) To the extent that the custodial property is not so expended, the custodian shall deliver or pay it over to the minor on his attaining the age of twenty-one years or, if the minor dies before attaining the age of twenty-one years, he shall thereupon deliver or pay it over to the estate of the minor.

Investment for custodian.

(e) The custodian, notwithstanding statutes restricting investments by fiduciaries, shall invest and reinvest the custodial property as would a prudent man of discretion and intelligence who is seeking a reasonable income and the preservation of his capital, except that he may, in his discretion and without liability to the minor or his estate, retain a security given to the minor in a manner prescribed in this act.

Custodian may sell, exchange or dispose of property.

(f) The custodian may sell, exchange, convert or otherwise dispose of custodial property in the manner, at the time or times, for the price or prices and upon the terms he deems advisable. He may vote in person or by general or limited proxy a security which is custodial property. He may consent, directly or through a committee or other agent, to the reorganization, consolidation, merger, dissolution or liquidation of an issuer, a security which is custodial property, and to the sale, lease, pledge, or mortgage of any property by or to such an issuer, and to any other action by such an issuer. He may execute and deliver any and all instruments in writing which he deems advisable to carry out any of his powers as custodian.

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Registration of securities.

(g) The custodian shall register each security which is custodial property and in registered form in the name of the custodian, followed, in substance, by the words: "as custodian for ..... under the Montana
(name of minor)
uniform gifts to minors act." The custodian shall hold all money which is custodial property in an account with a broker or in a bank in the name of the custodian, followed, in substance, by the words: "as custodian for ..... under the Montana uniform gifts
(name of minor)
to minors act." The custodian shall keep all other custodial property separate and distinct from his own property in a manner to identify it clearly as custodial property.

Accounts.

Separate property.

Records.

(h) The custodian shall keep records of all transactions with respect to the custodial property and make them available for inspection at reasonable intervals by a parent or legal representative of the minor or by the minor, if he has attained the age of fourteen years.

Powers in trust.

(i) A custodian has (and holds as powers in trust), with respect to the custodial property, in addition to the rights and powers provided in this act, all the rights and powers which a guardian has with respect to property not held as custodial property.

Custodian's expenses, compensation, bond, liability.

Section 5. **Custodian's Expenses, Compensation, Bond and Liabilities.** (a) A custodian is entitled to reimbursement from the custodial property for his reasonable expenses incurred in the performance of his duties.

(b) A custodian may act without compensation for his services.

(c) Unless he is a donor, a custodian may receive from the custodial property reasonable compensation for his services determined by one of the following standards in the order stated:

Standards of compensation.

(1) A direction by the donor when the gift is made;

(2) A statute of this state applicable to custodians;

(3) The statute of this state applicable to guardians;

(4) An order of the court.

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(d) Except as otherwise provided in this act, a custodian shall not be required to give a bond for the performance of his duties.

(e) A custodian not compensated for his services is not liable for losses to the custodial property unless they result from his bad faith, intentional wrongdoing or gross negligence or from his failure to maintain the standard of prudence in investing the custodial property provided in this act.

Exemption of third persons from liability.

Section 6. **Exemption of Third Persons From Liability.** No issuer, transfer agent, bank, broker or other person acting on the instructions of or otherwise dealing with any person purporting to act as a donor or in the capacity of a custodian is responsible for determining whether the person designated by the purported donor or purporting to act as a custodian has been duly designated or whether any purchase, sale or transfer to or by or any other act of any person purporting to act in the capacity of custodian is in accordance with or authorized by this act, or is obliged to inquire into the validity or propriety under this act of any instrument or instructions executed or given by a person purporting to act as a donor or in the capacity of a custodian, or is bound to see to the application by any person purporting to act in the capacity of a custodian of any money or other property paid or delivered to him.

Resignation, death or removal of custodian.

Section 7. **Resignation, Death or Removal of Custodian; Bond; Appointment of Successor Custodian.** (a) Only an adult member of the minor's family, a guardian of the minor or a trust company is eligible to become a successor custodian. A successor custodian has all the rights, powers, duties and immunities of a custodian designated in a manner prescribed by this act.

Resignation.

(b) A custodian, other than the donor, may resign and designate his successor by:

(1) executing an instrument of resignation designating the successor custodian; and

(2) causing each security which is custodial property and in registered form to be registered in the name of the successor custodian followed, in substance, by

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the words: "as custodian for ..... under
(name of minor)
the Montana uniform gifts to minors act;" and

(3) delivering to the successor custodian the instrument of resignation, each security registered in the name of the successor custodian and all other custodial property, together with any additional instruments required for the transfer thereof.

(c) A custodian, whether or not a donor, may petition the court for permission to resign and for the designation of a successor custodian.

Death of custodian.

(d) If the person designated as custodian is not eligible, renounces or dies before the minor attains the age of twenty-one years, the guardian of the minor shall be successor custodian. If the minor has no guardian, a donor, his legal representative, the legal representative of the custodian, an adult member of the minor's family, or the minor, if he has attained the age of fourteen years, may petition the court for the designation of a successor custodian.

Petition for removal, bond.

(e) A donor, the legal representative of a donor, an adult member of the minor's family, a guardian of the minor or the minor, if he has attained the age of fourteen years, may petition the court that, for cause shown in the petition, the custodian be removed and a successor custodian be designated or, in the alternative, that the custodian be required to give bond for the performance of his duties.

Order to show cause.

(f) Upon the filing of a petition as provided in this section, the district court shall grant an order, directed to the persons and returnable on such notice as the court may require, to show cause why the relief prayed for in the petition should not be granted and, in due course, grant such relief as the court finds to be in the best interests of the minor.

Accounting, petition.

Section 8. **Accounting by Custodian.** (a) The minor, if he has attained the age of fourteen years, or the legal representative of the minor, an adult member of the minor's family, or a donor or his legal representative may petition the court for an accounting by the custodian or his legal representative.

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Court may order.

(b) The court, in a proceeding under this act or otherwise, may require or permit the custodian or his legal representative to account and, if the custodian is removed, shall so require and order delivery of all custodial property to the successor custodian and the execution of all instruments required for the transfer thereof.

Construction of this act.

Section 9. **Construction.** (a) This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Not exclusive.

(b) This act shall not be construed as providing an exclusive method for making gifts to minors.

Act cited.

Section 10. **Short Title.** This act may be cited as the "Montana uniform gifts to minors act."

Severability clause.

Section 11. **Severability.** If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this and the provisions of this act are severable.

Construed.

Section 12. Nothing in this act shall be construed to impair constitutionality vested rights.

Repealing clause.

Section 13. **Repeal.** All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 13, 1957.

CHAPTER 246

An Act Relating to the Creation of a City Planning Board or a City-County Planning Board; Defining the Terms; Relating to the Enactment of City Ordinances Granting Powers to a City Planning Board or a City-County Planning Board, and Defining the Powers Thereof; Relating to the Members of the City Planning Board or City-County Planning Board and Defining the Powers and Duties of Such Members; Providing for the Adoption by the Governing Bodies of Cities and Counties of a Master Plan for the Development of the Area Within the City or County Covered by the Master Plan of Development; Pro-

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viding that the Governing Bodies of Cities and Counties May Levy a Tax not to Exceed One-half Mill on the Property Therein for Planning Board Purposes; Providing for the Increase and Decrease in the Area Covered by a Master Plan of Development; Conferring on the Planning Board the Authority to Approve or Disapprove Plats and Maps of All Subdivisions in the Area Covered by the Master Plan; Providing for Transferring to the Planning Board Authority Relating to Zoning and Building Regulation Conferred on Cities by Sections 11-2701 to 11-2709, Revised Codes of Montana, 1947; Providing That Nothing in the Act Shall Prevent the Complete Use, Development, Recovery, and Sale of Mineral and Forest Resources Within the Area Covered by a Master Plan; Providing for Appeals from Decisions of a Planning Board; Containing a Severability Clause; and Repealing All Acts Inconsistent Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Cities and county may jointly create a planning board.

Section 1. The governing body of any city or the governing bodies of any two or more cities and the county in which such city or cities are located jointly may create a planning board in order to promote the orderly development of its governmental units and its environs. It is the object of this legislation to encourage local units of government to improve the present health, safety, convenience, and welfare of their citizens and to plan for the future development of their communities to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational, and recreational facilities; that the needs of agriculture, industry, and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the community be commensurate with and promotive of the efficient and economical use of public funds.

Object of the act.

Intent.

In accomplishing this objective, it is the intent of this legislation that the planning board shall serve in an advisory capacity to presently established boards and officials, and in addition, that certain regulatory powers be created over developments affecting the pub-

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lic welfare and not now otherwise controlled, and that additional powers be granted legislative bodies of cities and counties to carry out the purposes of this act.

Validation of established planning boards and their action.

Section 2. Upon the taking effect of this act, a planning board heretofore established shall continue to operate as though authorized under the terms of the present act. All actions lawfully taken under prior acts or ordinances are hereby validated and continued in effect until amended or repealed by action taken under the authority of this act.

Definitions.

Section 3. As used in this act:

"City."

1. "City" includes incorporated cities and towns.

"City council."

2. "City council" means the chief legislative body of a city or incorporated town.

"Planning board."

3. "Planning board" means a city planning board or a joint city-county planning board.

"Master plan."

4. "Master plan" means a complete master plan or any of its parts such as master plan of land use and zoning, of thoroughfares, of sanitation, of recreation, and other related matters, and including such ordinances, laws, or resolutions as may be deemed necessary to implement such complete master plan or parts thereof by legislative approval and provision for such regulations as are deemed necessary and their enforcement.

"Public place."

5. "Public place" means any tract owned by the state or its subdivisions.

"Mayor."

6. "Mayor" means mayor of a city.

"Streets."

7. "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, and all public ways.

"Units of government."

8. "Units of government" means any federal, state, regional, county, city, or town.

"Utility."

9. "Utility" means any facility used in rendering service which the public has a right to demand.

"Person."

10. "Person" means individual, firm, or corporation.

"Governing body or governing bodies."

11. "Governing body or governing bodies" means the governing body of any governmental unit represented on a planning board.

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City planning board members.

Section 4. A city planning board shall consist of not less than seven (7) members to be appointed as follows:

a. One (1) member to be appointed by the city council from its membership;

b. One (1) member to be appointed by the city council who may in the discretion of the city council be an employee or hold public office in the city or county in which the city is located;

c. One (1) member to be appointed by the mayor upon the designation by the county commissioners of the county in which the city is located;

d. Four (4) citizen members to be appointed by the mayor, at least two (2) members of which shall be residents of the urban area, if any, outside of the city limits over which the planning board has jurisdiction under this act.

Notice of intention to county commissioners.

Section 5. Prior to enacting an ordinance creating a city planning board, the city council shall notify in writing, the county commissioners of the county in which the city is located of their intention to form a city planning board.

County commissioners, election to form, notice to city.

The board of county commissioners shall elect to form a city-county planning board or to permit the city to form a city planning board and shall notify in writing the city council of its election within thirty (30) days from receipt of notice of the city's intention to form a planning board. In the event the county commissioners so elect the planning board so to be formed shall be a city-county planning board.

Ordinance, member, term.

Section 6. As soon as the city council has enacted an ordinance creating a city planning board, the city council shall select a member of its body to serve on the planning board. The term of the appointed member shall be coextensive with the term of office to which he has been elected or appointed, unless the council, on its first regular meeting of each year, appoints another to serve as its representative or unless his term is terminated as hereinafter provided.

Vacancies.

The city council shall fill any vacancy occurring in its respective membership on the planning board.

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Certification of members.

Section 7. The clerk of the city council shall certify members appointed by its body. The certificates shall be sent to and become a part of the records of the planning board. The mayor shall make similar certification for the appointment of citizen members.

Qualifications of citizen members.

Section 8. The citizen members shall be qualified by knowledge and experience in matters pertaining to the development of the city and shall hold no other office in the city government and shall be residents of such city or the urban area outside of the city limits over which the planning board has jurisdiction under this act.

Term of office.

Section 9. Upon the creation of a city planning board, the citizen members shall be appointed for the following terms:

One (1) for a term of one (1) year;

One (1) for a term of two (2) years;

One (1) for a term of three (3) years;

One (1) for a term of four (4) years;

The terms shall expire on the first day of January of the first, second, third, and fourth years respectively following their appointment.

Thereafter as the terms expire each new appointment shall be for a term of four (4) years.

City-county planning board members.

Section 10. A city-county planning board shall consist of not less than nine (9) members to be appointed as follows:

a. Two (2) official members to be appointed by the board of county commissioners who may in the discretion of the board of county commissioners be employed by or hold public office in the county.

b. Two (2) official members to be appointed by the city council who may in the discretion of the city council be employed by or hold public office in the city.

c. Two (2) citizen members to be appointed by the mayor of the city.

d. Three (3) citizen members to be appointed by the board of county commissioners.

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Term of office.

The terms of the members who are officers of any governmental unit represented on the board shall be coextensive with their respective terms of office to which they have been elected or appointed; the terms of the other members shall be four (4) years, except for the term of the first members appointed which will be fixed by agreement and rule of the governing bodies represented on the board for any period of time from one (1) to four (4) years in order to provide for terms with a minimum number of terms expiring in any single year.

Vacancies.

Section 11. Vacancies occurring on the board of official members, and by death or resignation of citizen members, shall be filled by the governing bodies having appointed them for the unexpired term.

Vacancies occurring in citizen members on the board at the end of a term shall be filled alternately by the mayor and the board of county commissioners represented on the board, commencing with the mayor. In the event more than one (1) city is represented on a board the representation and appointments to be made by the respective cities and counties shall be by agreement and rule of the board.

Qualifications of citizen members.

Section 12. The citizen members shall be qualified by knowledge and experience in matters pertaining to the development of the city and county. Citizen members shall reside in the areas over which the planning board has jurisdiction, providing, however, that at least two (2) members shall reside in the area, if any, outside the city limits over which the planning board has jurisdiction.

Term.

Section 13. Terms of the members who are the officers of any governmental unit represented on the board shall be coextensive with their respective terms of office to which they have been elected or appointed. The terms of the other members shall be four (4) years, except for the term of the first members appointed, which may be fixed by agreement and rule of the board for any period of time from one (1) to four (4) years in order to provide for staggered terms with a minimum number of terms expiring in any single year.

Removal.

Provided however, any citizen appointee may be removed from office by a majority vote of the governing

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body of the governmental unit represented by such appointee.

County member on city planning board.

Section 14. As soon as a city council has enacted an ordinance creating a city planning board, the board of county commissioners of the county wherein the city is located shall within forty-five (45) days designate a representative of the county, which representative may be a member of the board of county commissioners or an office holder or employee of the county, to the mayor of the city for appointment of the city planning board; in the event of the failure of the county to so designate such member, the mayor may appoint a person of his own choosing and at his sole discretion as a representative of the county.

City, county or town may be represented on existing planning boards.

Section 15. Any city, county, or town, or any combination thereof wishing to be represented upon an existing planning board may by agreement of the governing body or bodies then represented upon the board, obtain representation thereon and share in the membership duties and costs of the board upon a basis agreeable to the governing body or bodies creating the board.

Membership may be increased.

The membership of any board may be increased to provide for representation of any additional cities, counties, or towns seeking representation thereon.

Meetings.

Section 16. The board shall fix the time for holding regular meetings, but it shall meet at least once in the months of January, April, July, and October.

Special meetings, notice.

Section 17. Special meetings of the planning board may be called by the president or by two (2) members upon written request to the secretary. The secretary shall send to all members, at least two (2) days in advance of a special meeting, a written notice fixing the time and place of the meeting.

Written notice of a special meeting is not required if the time of the special meeting has been fixed in a regular meeting, or if all members are present at the special meeting.

Quorum.

Section 18. A majority of members shall constitute a quorum; no action of the planning board is official, however, unless authorized by a majority of the board at a regular or properly called special meeting.

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No salary.

Section 19. The members of the planning board shall receive no salary for services on the planning board.

Actual expenses may be paid, when.

Section 20. When the planning board determines that it is necessary for members or employees to attend, in another city, county, or state, a regional or national conference or interview dealing with planning or related problems, the commission may pay the actual expenses of the attending members or employee provided the amount has been made available in the board's appropriation.

Officers.

Section 21. At its first regular meeting in each year, the board shall elect from its members a president and vice-president. The vice-president shall have authority to act as president of the board during the absence or disability of the president.

Secretary. and other employees.

Section 22. The board may appoint and prescribe the duties and fix the compensation of a secretary, and such employees as are necessary for the discharge of the duties and responsibilities of the board.

Contracts for services.

The board may make contracts for special or temporary services and any professional services.

Offices.

Section 23. The city or county shall provide suitable offices for the holding of meetings and the preservation of plans, maps, documents, and accounts.

Powers of the board.

Section 24. To effectuate the purpose of this act, the board shall have the power and duty to:

1. Exercise general supervision of and make regulations for the administration of the affairs of the board.

2. Prescribe uniform rules pertaining to investigations and hearings.

3. Supervise the fiscal affairs and responsibilities of the board.

4. Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the board, and delegate to employees authority to perform ministerial acts in all cases except where final action of the board is necessary.

5. Keep an accurate and complete record of all departmental proceedings; record and file all bonds and

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contracts and assume responsibility for the custody and preservation of all papers and documents of the board.

6. Make recommendations and an annual report to the mayor and city council and the board of county commissioners of any governmental units represented on the board concerning the operation of the board and the status of planning within its jurisdiction.

7. Prepare, publish, and distribute reports, ordinances and other material relating to the activities authorized under this act.

8. Adopt a seal, and certify to all official acts.

Legal name.

9. Sue and be sued collectively by its legal name, styled according to the city "..... city planning board" or "..... city-county planning board," service of process being had on the president of the commission; but no costs shall be taxed against the commission or any of its members in any action.

10. Invoke any legal, equitable, or special remedy for the enforcement of the provisions of the act or ordinance or its action taken thereunder.

11. Prepare and submit to the governing bodies represented on the board an annual budget in the same manner as other departments of the city and county government and shall be limited in all expenditures to the provisions made therefor by the governing bodies represented upon the board.

12. If deemed advisable, establish an advisory committee or committees.

Appropriation allowed.

Section 25. After a city council has by ordinance or a city council and board of county commissioners have, by ordinance and resolution, created a planning board, the governing bodies represented upon such board may appropriate funds to carry out the duties of the planning board.

Agreement on expenditures.

When a planning board has been created by agreement of more than one (1) governmental unit, the governing bodies of the governmental units which have created the board shall agree upon the proportion of expenditures to be borne by each such unit and shall

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budget and appropriate the funds necessary for the respective shares thus agreed upon.

Tax levy, maximum, cities or towns.

The governing body of any city or town represented upon a planning board may levy a tax upon the property located within such city or town not to exceed one-half mill for planning board purposes.

City-county board— creation of planning and zoning district, master plan.

When a city-county planning board has been established, the board of county commissioners may create a planning and zoning district which shall include only that property within the limits of a master plan or proposed master plan as defined in section 30, located outside the limits of incorporated cities and towns, and the board of county commissioners may levy on all of the property located within such planning district a tax not exceeding one-half mill for planning board purposes.

Tax levy, maximum.

Expenditures allowed.

Section 26. The planning board shall have authority to expend, under regular city or county procedure as provided by law, all sums appropriated to it for purposes and activities authorized by this act.

Gifts and donations, special nonreverting planning board fund.

Section 27. A city or county may accept gifts and donations for planning board purposes. Any moneys so accepted shall be deposited with the city or county in a special nonreverting planning board fund to be available for expenditures by the planning board for the purpose designated by the donor. The disbursing officer of a city or county shall draw warrants against such special nonreverting fund only upon vouchers signed by the president and secretary of the planning board. Upon approval of the governing bodies represented on the board, a planning board may accept, receive, and expend funds, grants, and services from the federal government or its agencies and instrumentalities of state or local government, or from civic sources and contract with respect thereto, and provide such information and reports as may be necessary to secure such financial aid.

Federal grants and financial aid.

Board to serve in advisory capacity, recommendations.

Section 28. So as to assure the promotion of public health, safety, morals, convenience, order, or the general welfare and for the sake of efficiency and economy in the process of development, the planning board shall prepare a master plan. Upon the creation of a planning board under the terms of this act and before such

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time as a master plan has been adopted, as provided in this act, a planning board so created shall serve in an advisory capacity to the local governing bodies establishing a planning board and shall consider and make recommendations to the city or cities or county on all subdivision and convenience plats presented to the city council or board of county commissioners prior to the subdivision or convenience plat receiving final approval for filing by the proper local governmental authority. The city or county shall not be bound by the recommendation but shall give consideration to the recommendations so made. It may also formulate policies for:

Formulation of policies.

1. The development of public ways, public places, public structures, and public and private utilities.

2. The issuance of improvement location permits on platted and unplatted lands.

3. The laying out and development of public ways and services to platted and unplatted lands.

Information available for master plan.

Section 29. Whenever the board undertakes the preparation of a master plan, the departments and officials of state, city, county, and separate taxing units operating within lands under the jurisdiction of the board shall make available, upon the request of the board, such information, documents, and plans as have been prepared or upon the request of the board shall provide such information as relates to the board's activity.

Adoption of master plan.

Section 30. A planning board shall adopt a master plan for the development of the city and such contiguous unincorporated area outside the city as, in the judgment of the board, bears reasonable relation to the development of the city. In order to exercise the rights and privileges of this act over such unincorporated area, the planning board shall file the limits of such area with the county clerk and recorder of the county in which such city is located, and shall revise such limits, as they are altered from time to time by subsequent filings and the limits of such area as so filed and altered from time to time by subsequent filings shall be the limit of the territorial jurisdiction of any city planning board or city-county planning board created under the powers of this act.

Unincorporated areas, filing.

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In case the unincorporated area is within the potential jurisdiction of more than one planning board, then the boundary shall be determined by the proportion that the incorporated area of one city bears to the incorporated area of the other, and the boundary line as so determined or agreed upon shall be filed as a part of any master plan or plans and shall be the limit of territorial jurisdiction of each such member city for decisions made by the governing bodies of cities under the authority of this act.

What may be included in master plan, surveys and studies.

Section 31. A master plan may include:

1. Careful and comprehensive surveys and studies of existing conditions and the probable future growth of the city and its environs or of the county.

Maps, plats, charts and descriptive materials.

2. Maps, plats, charts, and descriptive material presenting basic information, locations, extent and character of any of the following:

a. History, population, and physical site conditions;

b. Land use, including the height, area, bulk, location and use of private and public structures and premises;

c. Population densities;

d. Community centers and neighborhood units;

e. Blighted and slum areas;

f. Streets and highways, including bridges, viaducts, subways, parkways, alleys, and other public ways and places;

g. Sewers, sanitation, and drainage, including handling, treatment, and disposal of excess drainage waters, sewage, garbage, refuse, and other wastes;

h. Flood control and prevention;

i. Public and private utilities, including water, light, heat, communication, and other services;

j. Transportation, including rail, bus, truck, air, and water transport, and their terminal facilities;

k. Local mass transit, including motor and trolley bus, street, elevated or underground railways, and taxicabs;

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l. Parks and recreation, including parks, playgrounds, reservations, forests, wild life refuges, and other public grounds, spaces, and facilities of a recreational nature;

m. Public buildings and institutions, including governmental administration and service buildings, hospitals, infirmaries, clinics, penal and correctional institutions, and other civic and social service buildings;

n. Education, including location and extent of schools, colleges, and universities;

o. Land utilization, including areas for manufacturing, and industrial uses, concentration of wholesale, retail business, and other commercial uses, residential, and areas for mixed uses;

p. Conservation of water, soil, agricultural, and mineral resources;

q. Any other factors which are a part of the physical, economic, or social situation within the city or county.

Reports and recommendations.

3. Reports, maps, charts, and recommendations setting forth plans for the development, redevelopment, improvement, extension, and revision of the subjects and physical situations of the city or county set out in part 2 of this section so as to substantially accomplish the object of this legislation as set out in section 1 of this act.

Long-range development program.

4. A long-range development program of public works' projects, based on the recommended plans of the planning board, for the purpose of eliminating unplanned, unsightly, untimely, and extravagant projects and with a view to stabilizing industry and employment, and the keeping of such program up-to-date, for all separate taxing units within the city or county, respectively, for the purpose of assuring efficient and economic use of public funds.

Powers of board after adoption of master plan.

Section 32. After the board has adopted a master plan which includes a major street or highway plan, the board may:

1. Determine lines for new, extended, widened, or narrowed streets or highways in any portion of the city or county within the jurisdiction of the planning board.

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2. Certify to the city council or board of county commissioners the amended or additional plan under the same procedure as established for the certification and approval of the original plan.

The making or certification of the amended or additional plan shall not constitute the opening, establishment, or acceptance of land for street or highway purposes.

Notice and hearing on master plan.

Section 33. Prior to the adoption of a master plan, the board shall give notice and hold a public hearing on the plan and a proposed ordinance for its enforcement.

Publication of notice.

At least ten (10) days prior to the date set for hearing, the board shall publish in a newspaper of general circulation in the area over which the board has jurisdiction a notice of the time and place of the hearing.

Resolution of adoption.

Section 34. After a public hearing has been held, the board may by resolution adopt the master plan and recommend the ordinance, and resolution if a county is represented, to the governing bodies of the governmental units represented on the board.

Certification of copies of master plan to governing bodies.

Section 35. Upon adoption of the master plan by the planning board and the recommendation of the ordinance and resolution, if any, the secretary shall certify a copy of the plan to the governing bodies of the governmental units represented on the board.

At the first meeting of the governing bodies of the governmental units represented on the board after adoption of the plan the secretary or a member of the board shall present the plan and ordinance to the said governing bodies.

Approval of plan.

Section 36. Within sixty (60) days after certification of the plan, ordinance, and resolution, if any, to the governing bodies, they shall approve or disapprove such plans, ordinances, and resolutions, and if approved, such plans shall be in full force and effect from and after the date of approval.

Disapproval of plan.

Section 37. If a city council or board of county commissioners represented on the board rejects the plan and ordinance or amends it, then it shall be returned to the board for its consideration with a written state-

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ment of the reasons for its rejection or amendment. When a board has more than one (1) city represented, the right of each city to amend or reject the plan shall be confined to the portion of the plan covering its territorial jurisdiction as defined in section 30 of this act.

Amendment or rejection.

Time limit, board to consider.

The board shall have forty-five (45) days in which to consider the rejection or amendment and report to the governing bodies.

Failure of board to report.

In case the board does not file a report with the objecting or amending governing body within forty-five (45) days, the action in amending or rejecting the ordinance shall become final.

Board may adopt plan by single resolution or successive resolutions.

Section 38. The planning board may adopt the master plan as a whole by a single resolution, or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections of the plan area or to functional divisions of the subject matter of the plan. Upon the approval of any segment of the master plan by the governing bodies of the governmental units represented on the board, that segment shall be in force.

Amendment to adopted master plan.

Section 39. After the adoption of a master plan and ordinance, all amendments to it shall be adopted according to the procedure set forth in sections 33 through 37, except that, if the governing body or bodies desire an amendment the planning board may be directed to prepare an amendment and submit it to said governing body or bodies within sixty (60) days after formal written request.

Guide.

Section 40. After adoption of the master plan and ordinance the city council, the board of county commissioners, or other governing body within the territorial jurisdiction of the board shall be guided by and give consideration to the general policy and pattern of development set out in the master plan in the:

1. Authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities;

2. Authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities.

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Section 41. After a master plan and an ordinance containing provisions for subdivision control and the approval of plats and re-plats have been adopted and a certified copy of the ordinance has been filed with the county clerk and recorder, the planning board shall have exclusive control over the approval of all plats involving incorporated and unincorporated lands covered by the master plan and ordinance.

Exclusive control by board, plats.

All control over plats granted by other statutes, so far as they are in harmony with the provisions of this act, shall be transferred to the planning board having jurisdiction over the land involved. Existing provisions for platting control, so far as they are inconsistent with the provisions of this act, are hereby repealed.

Transfer of other control to planning board.

Inconsistent provisions for planning control repealed.

Section 42. After a master plan and an ordinance, containing provisions for subdivision control and the approval of plats and re-plats, have been adopted and a certified copy of the ordinance has been filed with the county clerk and recorder, a plat of a subdivision shall not be filed with the county clerk and recorder or the city or town clerk unless it has first been approved by the planning board having jurisdiction over the area as provided in section 41 and section 44.

Plats must be approved by board before filing.

Section 43. A person desiring the approval of a plat shall submit a written application for a certificate together with a copy of the proposed plat to the planning board having jurisdiction.

Procedure for approval.

Upon receipt of the application, the board, if it tentatively approves the application, shall set a date for a hearing, notify the applicant in writing, and notify by general publication or otherwise any person or governmental unit having a probable interest in the proposed plat.

Hearing and notice.

Section 44. In determining whether an application for approval shall be granted, the board shall determine if the plat provides for:

Consideration to be given for approval.

1. Coordination of subdivision streets with existing and planned streets or highways.

2. Coordination with and extension of facilities included in the master plan.

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3. Establishment of minimum width, depth, and area of lots within the projected subdivision.

4. Fair allocations of areas for streets, parks, and utilities.

Written regulations for approval procedure.

Section 45. The planning board shall adopt and publish written regulations governing the procedure for application or approval of plats of the lands within its jurisdiction.

Decision of board after hearing, time.

Section 46. After hearing and within forty-five (45) days after application for approval of the plat, the board shall approve or disapprove it. If the board approves, it shall affix the commission's seal upon the plat. If it disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy.

Uniform schedule of fees.

Section 47. The board may establish a uniform schedule of fees proportioned to the cost of checking and verifying the proposed plats. An applicant shall pay the specified fee at the time of filing his application.

Filing plat without approval, invalid.

Section 48. After a master plan and an ordinance containing provisions for subdivision control and the approval of plats and re-plats have been adopted and a certified copy of the ordinance has been filed with the county clerk and recorder, the filing and recording of a plat involving lands covered by such master plan and ordinance shall be without legal effect unless approved by the board.

Structures or improvements to conform to plan.

Section 49. A structure shall not be located and an improvement location permit shall not be issued for a structure on any of the lands lying within the jurisdiction of the board unless the structure and its location conforms to the master plan and ordinance.

Issuance of improvement location permits.

Section 50. The ordinance may designate the official or employee of the city or county who shall have authority to issue improvement location permits within the jurisdiction of the board and in conformance with the master plan and ordinance.

Power is granted by this act to any city having adopted a master plan and ordinance for the issuance and control of improvement location permits on unincorporated areas within the jurisdiction of its board.

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Appeal.

Section 51. A decision of the board may be appealed as in other civil cases.

Petition on appeal.

A petition on appeal shall specify the grounds upon which the petition alleges the illegality of the board's action. Such petition must be filed in the district court of the county in which the land is located within thirty (30) days after the date of such decision.

Cities on board may exercise powers granted by sections 11-2701 through 11-2709, R.C.M., 1947.

Section 52. As an integral part of the planning of areas so that the object of this legislation as set out in section 1 of this act may be further accomplished, any city council that is represented on a planning board created under the authority of this act may exercise all of the powers heretofore granted by sections 1 through 9 of chapter 136, laws of 1929, (sections 11-2701 through 11-2709 R.C.M., 1947) over all lands within its territorial jurisdiction, as such jurisdiction is set forth in section 30 of this act.

Certain acts not to be authorized by this section.

Section 53. Nothing in this act shall be deemed to authorize an ordinance, law, rule, or regulation which would prevent the complete use, development, recovery, and sale of any mineral resources or forests by the owner thereof, or the construction of buildings, railroads, or other structures or equipment necessary to the full use, development, recovery, and sale of mineral or forest resources.

Planning board to perform duties and have powers of "zoning commissions.

Section 54. Where a city council is represented on an existing planning board, the duties and powers of the "zoning commission" provided for in section 11-2706 shall be performed by the planning board of which such city is a member.

Validation of ordinances, rules, regulations, amendments and supplements.

Section 55. All zoning ordinances and rules and regulations and all amendments, supplements, and changes thereto legally adopted under any prior enabling act and all actions taken under the authority of any such ordinances, are hereby validated and continued in effect, until amended or repealed by action of the city council of such city taken under the authority of this act. These ordinances shall have the same effect as though previously adopted as a master plan of land use or parts thereof.

Effect.

Enforcement and penalties authorized.

Section 56. The governing bodies of any governmental unit or units represented upon a planning board

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may provide by ordinance or resolution for the enforcement of this act and of any regulation or ordinance made thereunder, and may provide punishment for violation thereof. It is also empowered to provide civil penalties for such violation.

Injunction to prevent violations.

Section 57. The planning board or any designated enforcement officials may institute a suit for injunction in the district court of the county to restrain an individual or a governmental unit from violating the provisions of this act or of an ordinance enacted pursuant to its terms. The planning board or any designated enforcement officials may also institute a suit for a mandatory injunction directing an individual or a governmental unit to remove a structure erected in violation of the provisions of this act or of an ordinance enacted pursuant to its terms. If the planning board or other enforcement official is successful in its suit, the respondent shall bear the costs of the action. No member of a planning board created under the terms of this act shall be liable in damages for performing the duties of a member of the planning board as outlined in this act.

Costs.

No liability of members of board.

Adoption of master plan and zoning provisions controlling; sections 16-4101 through 16-4106, R.C.M., 1947 not applicable.

Section 58. When and if said master plan and zoning provisions created by this act have been finally adopted the provisions of sections 16-4101, 16-4102, 16-4103, 16-4104, 16-4105 and 16-4106, Revised Codes of Montana, 1947, shall be no longer applicable to the area covered by the plan and no further development districts shall be thereafter created within said area and all other acts or parts of acts inconsistent with the provisions of this act are, to the extent of their inconsistency, repealed.

Repealing clause.

Severability.

Section 59. The provisions of this act are considered severable, and if any provision is found to be unconstitutional, it is the intention of the legislative assembly that the remainder have full force and effect.

Approved March 13, 1957.

CHAPTER 247

An Act to Amend Section 53-121, Replacement Volume Number Three (3) of the Revised Codes of Montana,

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1947, Relating to Residents Operating Motor Vehicles Under Licenses Issued by Any State Other Than Montana Forbidden; and Repealing All Acts and Parts of Acts in Conflict Herewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 53-121, replacement volume number three (3) of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

"53-121. (1759.6) **Residents Operating Motor Vehicles Under Licenses Issued by Any State Other than Montana Forbidden.** It shall especially be provided that a resident of the State of Montana shall not operate a motor vehicle under a license issued by any other state than Montana."

Residents not to operate motor vehicle under license issued by another state.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Approved March 13, 1957.

CHAPTER 248

An Act to Provide for the Issue and Sale by the State Board of Examiners of Bonds for the Purpose of Repairing the State Capitol Building; Designating the Funds from Which said Bonds Shall be Paid; Providing for a State Capitol Building Repair, Interest and Sinking Fund; Enumerating the Powers and Duties of the State Board of Examiners in Carrying out the Provisions of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The state board of examiners of the State of Montana is hereby authorized to issue and sell bonds for the purpose of repairing the state capitol building at Helena, Montana.

Issuance and sale of bonds authorized for capitol building repairs.

Section 2. Upon the sale of the bonds, the state board of examiners is hereby empowered and directed to employ an architect and/or engineer to complete plans; and to proceed with the repair of the state capitol building without delay, as soon as proceeds from the bonds are available.

Board of examiners to employ architect and/or engineer and proceed with repairs.

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Bids and contracts.

Section 3. The state board of examiners shall call for bids for the repair of said building and let contracts for the same, all in accordance with the laws of the State of Montana. Said board shall require the contractors to give bonds to the State of Montana in the amount of one hundred per cent (100%) of the contract price, conditioned for the faithful performance of their duties and contracts.

Contractors' bonds.

Bond limitation 1 million dollars.

Section 4. The aggregate amount of bonds authorized by this act for the purposes herein expressed, shall not exceed the sum of one million dollars ($1,000,000.00).

Interest on bonds and other requirements.

Section 5. Bonds issued and sold by the state board of examiners under authority of this act shall bear interest at the rate not exceeding four per cent (4%) per annum, payable semiannually. They shall be either amortization or serial bonds, shall bear such date as the state board of examiners shall prescribe, and shall be payable over such period of years, not exceeding twenty (20), as said board may specify. All bonds shall be optional and redeemable at any time after the date of issue, at the option of the state board of examiners. Said bonds shall be in such denominations and sums and shall contain such recitals as the state board of examiners may determine, shall be signed by the governor, the attorney general, and the secretary of state as members of said board, and shall be paid at the office of the state treasurer of the State of Montana. The coupons attached to said bonds may bear the facsimile signature of the members of said board.

Term.

Sale of bonds registration, accounts.

Section 6. Said bonds shall be sold by the state board of examiners at such time and in such manner as the board shall deem best to carry out the provisions of this act; provided that none of such bonds shall be sold for less than par, plus accrued interest to the date of delivery of the bonds. Each of said bonds shall be registered before delivery with the state treasurer of the State of Montana, who shall keep accurate accounts of payments of interest and principal upon said bonds.

Payment of principal and interest.

Section 7. The principal and interest of the bonds authorized by this act shall be payable out of the following fund and from it only: All the income received from the capitol building land grant, shall be, and the same is hereby perpetually dedicated and appropriated

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for the payment of the principal and interest of the bonds provided for by this act. Any and all balances or sums now in said capital building land grant fund or that may accrue to and become a part of said fund prior to the time of the sale of the bonds provided for herein, shall likewise be, and the same are hereby pledged and appropriated for the payment of principal and interest of the bonds authorized by this act, and to cover and pay the cost of repairing of said building to the extent said balances or accruals to said fund may be sufficient to pay the same; provided said bonds shall be issued and sold by said board of examiners as herein provided, only for the total sum or amount necessary to be raised in excess of such total of all balances or sums now in, or that may be accrued to, said capital building land grant fund, in order to make available for such repair of said building a total of one million dollars ($1,000,000.00).

Proviso—bonds only for excess required over balance in capitol building land grant fund, to make maximum funds available.

Section 8. To provide for the payment of the interest and principal of the bonds authorized by this act, there is hereby created a special fund to be known as the state capitol building repair, interest and sinking fund, into which fund shall be paid all the sums of money hereinbefore dedicated and appropriated to the payment of the principal and interest of said bonds and the repair of said building.

State capitol building repair, interest and sinking fund for payment of principal and interest.

Section 9. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Appropriation valid.

Section 10. Every section of this act and every part of each section is hereby declared to be independent of each other, and the holding of any section or part hereof to be void or ineffective for any cause shall not be deemed to affect any other section or part hereof.

Severability.

Section 11. This act shall be in full force and effect from and after its passage and approval.

Effective immediately.

Approved March 13, 1957.

CHAPTER 249

An Act to Amend the Montana Milk Control Act; Amending Section 27-404, Revised Codes of Montana,

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1947, Relating to the Appointment and Composition of the Milk Control Board, and the Secretary of the Milk Control Board; Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 27-404 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Milk control board, members, qualifications.

"27-404. **Milk Control Board.** There is hereby constituted a milk control board to consist of the executive officer of the Montana livestock sanitary board, as chairman, who shall serve in ex officio capacity without compensation except for necessary expenses while engaged with the duties of the board, and *six (6)* members, who shall be appointed by the governor with the following qualifications: *Two (2)* persons who *are* 'consumers' and who *are* not otherwise engaged in the milk business, *two (2)* persons who *are* 'producers' selling to a distributor, *two (2)* persons who *are 'distributors.'* The *four (4)* persons appointed from the industry shall be selected from a market or markets designated and established by the board."

Membership increased.

Term of original appointments.

One (1) producer, one (1) distributor and one (1) consumer member shall be appointed each for a two (2) year term; one (1) producer, one (1) distributor, and one (1) consumer member shall be appointed each for a four (4) year term; and at the expiration of such terms all future appointments shall be for terms of four (4) years. "Any vacancy shall be filled by appointment by the governor for the unexpired term. *Four (4)* members of the board shall constitute a quorum for the regular transaction of business.

Vacancy.

Quorum.

Compensation, expenses.

"The compensation of the appointed members of the board shall be fixed at *fifteen* dollars ($15.00) per day for each day actually engaged in the official functions of the board plus subsistence and necessary traveling expenses at the rate allowed other state employees."

Assistants authorized. Expenditures from receipts hereunder.

The board may employ necessary assistants and appoint agents and instrumentalities but all expenditure under this act shall be paid from the receipts hereunder.

Executive secretary, term, duties.

The board shall have the power and it shall be its duty to designate an executive secretary who shall serve un-

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der the direction and at the pleasure of the board and who shall have charge of the administration of the board's orders, rules, and regulations, and who shall also serve as financial officer of the board and who "shall be authorized to accept or receive money paid or to be paid to the board, either as license fees or fines as provided by this act. Such person shall, before he enters upon the discharge of his duties, execute and file a bond, in such amount as may be fixed by the board, as may be provided by law for public officers."

Bond.

Meetings of the board shall be had at least every sixty (60) days at the call of the executive secretary. The salary of the secretary is to be fixed by the board and the state board of examiners. The board shall so enforce the act that there shall be no discrimination against any dealer or consumer.

Meetings.

Salary of secretary.

Enforcement.

Section 2. This act shall be in full force and effect upon its passage and approval.

Effective immediately.

Approved March 13, 1957.

CHAPTER 250

An Act to Amend Section 75-4101 of the Revised Codes of Montana, 1947, Relating to the Definition of High Schools to Provide for Junior, Senior and Six-Year High Schools and Regular Four-Year High Schools; Providing that There be no Change in Budgeting Powers of School Districts; Providing for the Repeal of Section 75-4102; and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That section 75-4101 of the Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Amending clause.

"75-4101. (1262.1) **High Schools Defined.** A high school is a public school as defined in the general school laws and is an integral unit of the public school system which comprises some one or more of the grades of school work intermediate between the elementary schools and the institutions of higher education of the State of Montana, and which has its own administrative head and corps of teachers under the direct supervision either of

High schools defined.

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a district superintendent and the board of trustees of a school district, or of a county high school principal and board of trustees of such county high school, as the case may be.''

Types of public schools defined.

Types of public high schools are defined and designated as follows:

Junior high school.

1. A junior high school is a public school as defined in the general school laws and is an integral unit of the public school system which comprises what is ordinarily designated as the work of the seventh, eighth, and ninth grades of the school system under the supervision of the district superintendent and board of trustees of the school district, and subject to the regulations and approval of the state board of education and the state superintendent of public instruction.

Senior high school.

2. A senior high school is a public school as defined in the general school laws and is an integral unit of the public school system which comprises what is ordinarily designated as the work of the tenth, eleventh, and twelfth grades of the school system, under the supervision of the district superintendent and board of trustees of the school district, or of the county high school principal and county high school board, and subject to the regulations and approval of the state board of education and the state superintendent of public instruction.

Six-year high school.

3. A six-year high school is a public school as defined in the general school laws and is an integral unit of the public school system which comprises what is ordinarily designated as the work of grades seven through twelve inclusive of the school system under the supervision of the district superintendent and board of trustees of the school, and subject to the regulations and approval of the state board of education and the state superintendent of public instruction.

Regular four-year high school.

4. A regular four-year high school is a public school as defined in the general school laws and is an integral unit of the public school system which comprises what is ordinarily designated as the work of grades nine through twelve, inclusive, of the school system under the supervision of the district superintendent and board of trustees of the school, or of the county high school principal and county high school board, and subject to the regulations

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and approval of the state board of education and the state superintendent of public instruction.

Construed regarding budgeting powers of school districts.

Section 2. It is hereby provided that nothing in this act shall be construed to change or amend the budgeting powers of school districts granted under any existing statutes.

Section 75-4102, R.C.M., 1947,, and acts in conflict repealed.

Section 3. That section 75-4102 of the Revised Codes of Montana, 1947, shall be and the same is hereby repealed and all acts and parts of acts in conflict with this act are hereby repealed.

Approved March 14, 1957.

CHAPTER 251

An Act to Amend Section 75-3612, Revised Codes of Montana, 1947, as Amended by Chapter 199, Laws of 1949, as Amended by Chapter 244, Laws of 1953, and as Further Amended by Chapter 241, Laws of 1955, Providing for the Equalization of Financial Distribution for all Elementary and Secondary Schools in Order to Maintain a Uniform System of Free Public Schools; Providing Schedules for Determining Support of Foundation Financial Program for Public Elementary and Secondary Schools, and for Other Purposes; Providing for the Amendment of Section 4 of House Bill 384 of the Laws of the Thirty-fifth Legislative Assembly, and Containing a Repealing Clause.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 75-3612, Revised Codes of Montana, 1947, as amended by chapter 199, laws of 1949, as amended by chapter 244, laws of 1953, and as further amended by chapter 241, laws of 1955, be, and the same is hereby amended to read as follows:

Foundation program.

"75-3612. **Foundation Program.** The moneys coming into said state public school equalization fund shall be distributed and apportioned to provide an annual minimum operating revenue for the elementary and high schools in each county, exclusive of revenues required for debt retirement, and for the payment of any and all costs and expense incurred in connection with any adult

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education program, kindergarten, recreation program, school lunch and cafeteria program, new buildings, new grounds, and transportation, in accordance with the following schedules:

ELEMENTARY SCHOOLS

Elementary school schedule.

"(1) For each elementary school having eight (8) or fewer pupils and which, upon the request of the board of trustees of the district, is approved as an isolated school by the county budget board, the district shall receive *three thousand two hundred dollars ($3,200.00)*, and if said school is not approved as an isolated school, then it shall receive seventeen hundred dollars ($1,700.00).

"(2) Schools with an ANB in excess of eight (8) but less than eighteen (18) pupils, shall receive *three thousand two hundred dollars ($3,200.00)* plus *one hundred dollars ($100.00)* per pupil on the basis of average number belonging over eight (8).

"(3) Schools having an ANB of eighteen (18), but less than forty-one (41), shall receive a maximum of *forty-two hundred dollars ($4,200.00)*, plus *four thousand dollars ($4,000.00)* provided two (2) teachers are regularly employed as full time teachers in such school, *plus fifty dollars ($50.00) for each ANB over eighteen (18); forty-two hundred dollars ($4,200.00)* shall be the maximum for any one-teacher school, *plus fifty dollars ($50.00) for an ANB over eighteen (18), not to exceed an ANB over twenty-five (25).*

"(4) Schools having an ANB in excess of forty (40) will be guaranteed funds only on the basis of the total pupils (ANB) in the district for elementary pupils as follows:

"For a school having an ANB of more than forty (40), and employing a minimum of three (3) teachers, the maximum of *two hundred ninety-eight dollars ($298.00)* shall be decreased at the rate of *forty-five cents ($0.45)* for each additional pupil until the total number (ANB) shall have reached a total of one hundred (100) pupils. Provided, however, that if only two (2) teachers are employed in a school with an ANB over forty (40) the maximum schedule shall be *nine thousand three hundred dollars ($9,300.00)*, plus *eighty dollars ($80.00)* for each ANB over forty (40), *not to exceed an ANB over fifty*

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(50). For a school having an ANB of more than one hundred (100) pupils, the maximum of *two hundred seventy-one dollars ($271.00)* shall be decreased at the rate of *twenty-seven cents ($0.27)* for each additional pupil until the ANB shall have reached three hundred (300) pupils. For a school having an ANB of more than three hundred (300) pupils, the maximum shall not exceed *two hundred seventeen dollars ($217.00)* for each pupil; provided that the maximum per pupil, for all pupils, ANB, shall figure on the basis of the amount allowed herein on account of the last eligible pupil, ANB, and provided further that all the schools operated within the incorporated limits of a city or town shall be treated as a school unit for the purpose of this schedule.

HIGH SCHOOLS

High school schedule.

"For a school having an average number belonging (ANB) of forty (40) or fewer pupils in a school, the guaranteed budget shall not exceed *four hundred ninety-five dollars ($495.00)* for each pupil. High schools *hereafter created* shall not receive state equalization aid unless they have been accredited by the state board of education.

"For a secondary school having an ANB of more than forty (40) pupils, the maximum *four hundred ninety-five dollars ($495.00)* shall be decreased at the rate of *two dollars and twenty cents ($2.20)* for each additional pupil until the ANB shall have reached a total of one hundred (100) such pupils. For a school having an ANB of more than one hundred (100) pupils, the maximum of *three hundred sixty-three dollars ($363.00)* shall be decreased at the rate of *fifty-five cents ($0.55)* for each additional pupil until the number ANB shall have reached two hundred (200) pupils. For a school having an ANB of more than two hundred (200) pupils, a maximum of *three hundred eight dollars ($308.00)* shall be decreased at the rate of *twenty-three cents ($0.23)* for each additional pupil until the total number, ANB, shall have reached three hundred (300) pupils. For a school having an ANB of more than three hundred (300) pupils, the maximum of *two hundred eighty-five dollars ($285.00)* shall be decreased at the rate of *seven cents ($0.07)* for each additional pupil until the total number, ANB, shall have reached six hundred fifty (650) pupils. Schools

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having an ANB in excess of six hundred fifty (650) pupils shall receive *two hundred sixty dollars and fifty cents ($260.50)* per pupil, provided that the maximum per pupil for all pupils, ANB, shall be computed on the basis of the amount allowed herein on account of the last eligible pupil, ANB.

"In computing the amount guaranteed for the foundation program, only junior high schools which have been approved and accredited by the state board of education shall be considered a part of the secondary enrollment."

Amendment to House Bill 384, thirty-fifth legislative assembly.

Section 2. That section 4 of house bill 384, of the laws of the thirty-fifth legislative assembly be, and the same is, amended to read as follows:

Limitation on funds to to be paid out to school districts.

"Section 4. It is hereby provided that none of the funds allocated, or any other funds allocated to the state public school equalization fund, shall be paid out to the school districts of the state in excess of the foundation program needs, as established by section 75-3612, Revised Codes of Montana, 1947, as amended, or in excess of the state equalization percentage established under the provisions of section 75-3619, Revised Codes of Montana, 1947."

Repealing clause.

Section 3. All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 14, 1957.

CHAPTER 252

An Act Requiring the State Board of Health to Adopt Definitions and Standards Promulgated by it or Recommended by the Federal Food and Drug Administration, Governing the Manufacture of Bakery Products; Amending Section 90-301, Revised Codes of Montana, 1947, Relating to Weight Requirements for Sale of Bread, to Provide for Tolerances in Weight, and Excluding Rolls or Fancy Bread Weighing Less Than One-quarter Pound; and Repealing Section 90-302, Revised Codes of Montana, 1947, Relating to Definitions and Conditions Under Which Bread May be Sold, Section 90-303, Revised Codes of Montana, 1947, Relating to Return or Repurchase of Bread, and All Acts and Parts of Acts in Conflict Herewith.

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Be it enacted by the Legislative Assembly of the State of Montana:

State board of health authorized to adopt definitions and standards governing manufacture of bakery products.

Section 1. The state board of health is authorized and directed to adopt definitions and standards governing the manufacture of bakery products. Such definitions and standards shall be equal to those recommended by the federal food and drug administration under the federal food, drug and cosmetic act when such federal standards exist. This legislation shall in no manner affect food and drug legislation now in existence for other foods.

Not to affect other foods and drugs.

Amending clause.

Section 2. That section 90-301, Revised Codes of Montana, 1947, be, and the same is hereby amended to read as follows:

Weight requirements for sale of bread.

"90-301. (4273) **Weight Requirements for Sale of Bread.** From and after the passage of this act it shall be unlawful for any person or persons, association, copartnership or corporation to manufacture for retail or wholesale trade, or to sell bread, unless the same shall be of the following weights, which shall be net weights *twelve* hours after baking:" *'standard loaf,' which shall weigh not less than fifteen (15) ounces and not more than seventeen (17) ounces in an individual loaf, provided, however, that the average weight of not less than twenty-five loaves of a standard loaf shall be not less than sixteen ounces; 'standard large loaf,' which shall weigh not less than twenty-two and one-half (22 1/2) ounces and not more than twenty-five and one-half (25 1/2) ounces in an individual loaf, provided, however, that the average weight of not less than twenty-five loaves of a standard large loaf be not less than twenty-four ounces; provided, however, that larger loaves having weights that are multiples of the mean weight of a standard loaf weight may be manufactured and sold to restaurants, caterers, sandwich makers, hotels, commissaries, institutions, or other public eating places, with the total tolerance in excess or deficiency for each such larger weight loaf not to exceed two (2) ounces. This act shall not apply to rolls or to fancy bread weighing less than one-quarter of a pound.*

"Standard loaf."

Proviso—average weight.

"Standard large loaf."

Proviso—average weight.

Proviso—larger loaves.

Tolerance not to exceed two ounces.

Not applicable to rolls or fancy bread less than ¼ pound.

Section 3. That sections 90-302 and 90-303, Revised Codes of Montana, 1947, and all acts and parts of acts in conflict herewith are hereby repealed.

Sections 90-302 and 90-303, R.C.M., 1947 and acts in conflict repealed.

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CHAPTER 253

A Bill to Amend Section 59-510, Revised Codes of Montana, 1947, as Amended by Chapter 22, Laws of 1951, Relating to Office Hours of Public Officers, to Provide for the Closing of Public Offices on Saturdays, Repealing All Acts or Parts of Acts in Conflict Herewith, and Making This Act Effective Upon its Passage and Approval.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That section 59-510, Revised Codes of Montana, 1947, as amended by chapter 22, laws of 1951, be, and the same is hereby amended to read as follows:

Office hours.

8 o'clock A.M. to 5 o'clock P.M., except Saturdays and holidays.

State treasurer.

"59-510. (453) **Office Hours.** Unless otherwise provided by law every officer must keep his office open for the transaction of business continuously from *eight* o'clock *A. M.*, until five o'clock *P. M.* each day, except upon Saturdays *and holidays.* Every officer shall keep his office open at such other times as the accommodation of the public or the proper transaction of business requires, excepting the state treasurer, who in his discretion may in the interest of the safekeeping of funds, securities and records under his control, close his office during the period from twelve o'clock noon to one o'clock *P. M.* every day."

Repealing clause.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Effective immediately.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1957.

CHAPTER 254

An Act to Amend and Supplement Chapter 16, Entitled "State Highway Commission and Highway Engineer — Powers and Duties," of Title 32, "Highways, Bridges and Ferries," Revised Codes of Montana, 1947, as Amended and Supplemented, by Adding to Said Chapter 16, a New Section to be Numbered Section 32-1625 of Said Codes, to Empower the State

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Highway Commission of the State of Montana to Make Reasonable Regulations for the Removal, Relocation, Renewal and Reconstruction of Facilities of Any Utility, Whether Public, Private or Cooperatively Owned, in Connection with Any Project on Any Federal-Aid Primary Highway System, Federal-Aid Secondary Highway System, or on Any Interstate Highway System, and to Require Utilities to Relocate the Same in Accordance with Valid Orders of the Commission; Providing that Seventy-five Per Cent (75%) of the Costs of Removal, Relocation Including Acquisition of Any New Right-of-way, Renewal and Reconstruction of Such Facilities, Shall be Paid by the State of Montana Through the State Highway Commission and That Any Such Utilities May Maintain and Operate Any Such Facilities in the New Location or Locations; Defining Terms Used in This Act; Repealing All Acts and Parts of Acts in Conflict with This Act; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Amending clause.

Section 1. That chapter 16, presently entitled "state highway commission and highway engineer — powers and duties" under title 32, "highways, bridges and ferries," Revised Codes of Montana, 1947, be amended and supplemented by adding thereto an additional section to be numbered section 32-1625 of the Revised Codes of Montana, 1947, to read as follows:

Highway commission given power to make regulations for installation, construction, maintenance, repair, renewal and relocation of facilities or utilities.

Section 32-1625. (a) The state highway commission shall have the power and authority to make and publish after appropriate hearings reasonable regulations for the installation, construction, maintenance, repair, renewal and relocation of tracks, pipes, mains, conduits, cables, wires, towers, poles and other equipment and appliances (herein called 'facilities') of any utility in, on, along, over, across, through or under any project on (1) the federal-aid primary system, or (2) the federal-aid secondary system, or on (3) the interstate system, including extensions thereof within urban areas.

Notice and hearing, determination.

Whenever the commission shall determine, after written notice supplied to all concerned not less than twenty (20) days in advance of hearing and fair, public hearing at the time and place noticed for hearing (unless hearing is waived by the utility or other interested parties in writing), that it is necessary

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that any such facilities which now are, or hereafter may be, located in, on, along, over, across, through or under any such federal-aid primary system, federal-aid secondary system, or on the interstate system, including extensions thereof within urban areas, should be relocated, the utility owning or operating such facilities shall relocate the same in accordance with the valid order of the commission, and seventy-five per cent (75%) of all costs of relocation, including acquisition of new right-of-way, dismantling, and removal, shall be paid by the State of Montana through the state highway commission. In case of any such relocation of facilities, as aforesaid, the public utility owning or operating the same, its successors or assigns, may maintain and operate such facilities, with the necessary appurtenances, in the new location or new locations.

Utility to relocate according to order of commission.

75% of cost to be paid by state.

Operation in new location.

Definitions.

(b) Definitions. For the purposes of this section:

"Utility."

The term "utility" shall include publicly, privately and cooperatively owned utilities.

"Cost of relocation."

The term "cost of relocation" shall include the entire amount paid by such utility properly attributable to such relocation after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility; and,

"Interstate system."

The term "interstate system" means any highway now included or which shall hereafter be included as a part of the national system of interstate and defense highways, as provided in the federal-aid highway act of 1956, and any acts supplemental thereto or amendatory thereof.

Cost declared to be cost of highway construction.

(c) The cost of relocating utility facilities in connection with any project on the federal-aid primary system or federal-aid secondary system or on the interstate system is hereby declared to be a cost of highway construction.

Constitutionality.

Section 2. **Constitutionality.** If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislative assembly hereby declares that it would have passed the remaining parts of this act if it had known that such part or parts would be declared unconstitutional.

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Act controlling.

Section 3. This act is hereby declared to be superior to and of controlling force over any code provisions, statutes, session laws, and acts in any respect conflicting herewith, and all acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Effective immediately.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 19, 1957.

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

ENACTED BY THE

Thirty-fifth Legislative Assembly

STATE OF MONTANA

1957

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APPROPRIATIONS, MEMORIALS AND RESOLUTIONS

HOUSE BILL NO. 2

An Act to Appropriate Money for the Payment of Mileage and Per Diem to the Members of the Thirty-fifth Legislative Assembly and for the Payment of Per Diem to the Officers and Attaches and for Incidental Expenses of the Thirty-fifth Legislative Assembly of the State of Montana.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated, out of any money in the state treasury, not otherwise appropriated, for the objects and purposes hereinafter expressed, but for no other;

For the payment of mileage and per diem to the members of the thirty-fifth legislative assembly of the State of Montana,
One hundred seventy thousand dollars .....$ 170,000.00

For the payment of per diem to the officers and attaches of the thirty-fifth legislative assembly of the State of Montana,
One hundred forty thousand dollars .....$ 140,000.00

For the payment of incidental expenses of the thirty-fifth legislative assembly of the State of Montana,
Seventy-five thousand dollars .....$ 75,000.00

Section 2. The amounts appropriated herein are to be used for the purpose designated. However, if there is a surplus in any one item, it may be transferred to either of the other two items appropriated herein for the legislative assembly; provided the aggregate amount of all three appropriations shall be neither increased or decreased.

Section 3. Appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

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Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved January 11, 1957.

HOUSE BILL NO. 9

An Act to Appropriate Money for the Purchase of Cumulative Pocket Supplements of 1957, for the Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or sums or so much thereof as may be necessary be, and the same are hereby appropriated, for the purchase of cumulative pocket supplements of 1957, for the Revised Codes of Montana, 1947, as follows:

FROM THE GENERAL FUND

Four hundred (400) sets Cumulative Pocket Supplements for 1957, for the Revised Codes of Montana, 1947, at fourteen dollars ($14.00) per set, Five thousand six hundred dollars .....$ 5,600.00

Section 2. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved January 29, 1957.

HOUSE BILL NO. 10

An Act to Appropriate Money for the Purchase of Sets of the Revised Codes of Montana, 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the state treasury not otherwise provided for the purposes hereinafter expressed for the fiscal year ending June 30, 1958:

FROM THE GENERAL FUND

For the purchase of five (5) sets of the Revised

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Codes of Montana, 1947, including Replacement Volumes I to V inclusive as published by the publishers and distributors thereof, and including pocket supplement 1957, at one hundred twenty dollars ($120.00) per set, six hundred dollars .....$ 600.00

Section 2. Appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved January 29, 1957.

HOUSE BILL NO. 11

An Act to Appropriate Money for the Purchase of Replacement Volumes of the Revised Codes of Montana of 1947.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or sums or so much thereof as may be necessary be, and the same are hereby appropriated out of any money in the state treasury not otherwise appropriated, for the purchase of replacement volumes of the Revised Codes of Montana of 1947 published by the publishers and distributors thereof as follows:

FROM THE GENERAL FUND

For the period beginning July 1, 1957, and ending June 30, 1958, for four hundred forty (440) copies of Replacement Volume I in two parts, at twenty-one dollars and fifty cents ($21.50) per volume, nine thousand four hundred sixty dollars .....$ 9,460.00

For the period beginning July 1, 1958, and ending June 30, 1959, for four hundred forty (440) copies of Replacement Volume IX, at twenty-one dollars and fifty cents ($21.50) per volume, nine thousand four hundred sixty dollars .....$ 9,460.00

Section 2. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved January 29, 1957.

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HOUSE BILL NO. 112

An Act to Appropriate Money for the State Department of Public Welfare of the State of Montana for Public Assistance, for Administrative Costs in the State Department and in the County Departments of Public Welfare and for All Other Expenditures Coming Under the State Department of Public Welfare Which They May Lawfully Incur, for the Period Beginning with July 1, 1957, and Terminating with June 30, 1959.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated for the state department of public welfare of the State of Montana, out of any funds in the state treasury not otherwise appropriated, the sum of four million two hundred twenty-seven thousand three hundred fifty dollars ($4,227,350.00), for public assistance, for administrative costs in the state department and the county departments of public welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1957, and terminating with June 30, 1958.

Section 2. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of one million nine hundred ninety-eight thousand eight hundred dollars $1,998,800.00

(b) For aid to dependent children, the sum of eight hundred nineteen thousand nine hundred fifty dollars ..... $ 819,950.00

(c) For aid to needy blind, the sum of one hundred eighty-one thousand dollars ..... $ 181,000.00

(d) For aid to the permanently and totally disabled, the sum of one hundred sixty-six thousand three hundred dollars ..... $ 166,300.00

(e) For child welfare services, including all state administrative costs, the sum of forty-five thousand dollars ..... $ 45,000.00

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(f) For the payment of board and room for dependent and neglected children in approved family foster homes in cases where the county of residence of such children pays one half of such cost, the sum of seventy-two thousand dollars ..... $ 72,000.00

(g) For general relief and contingencies, the sum of two hundred thousand dollars ..... $ 200,000.00

(h) For payment to persons having silicosis, pursuant to provisions of section 71-1001 to 71-1008 inclusive, Revised Codes of Montana, 1947, as amended, and for medical examinations, transportation and other related services, the sum of four hundred eighty-nine thousand three hundred dollars ..... $ 489,300.00

(i) For employer's contribution to the public employees' retirement system, the sum of eighteen thousand five hundred dollars ..... $ 18,500.00

(j) For employer's contribution to social security, the sum of five thousand five hundred dollars ..... $ 5,500.00

(k) For administrative costs of the state department not otherwise provided for including advances of the compensation and expenses of the personnel staff attached to county welfare boards the sum of two hundred thirty-one thousand dollars ..... $ 231,000.00

Section 3. There is hereby appropriated for the state department of public welfare of the State of Montana out of any funds in the state treasury not otherwise appropriated, the sum of four million two hundred twenty-seven thousand three hundred fifty dollars ($4,227,350.00), for public assistance, for administrative costs in the state department and in the county departments of public welfare and for all other expenditures coming under the state department of public welfare which they may lawfully incur for the fiscal year beginning with July 1, 1958, and terminating with June 30, 1959.

Section 4. Without hereby limiting the powers of the state board of public welfare, as in this act otherwise provided, the amounts appropriated in the foregoing section and paid into the public welfare fund of the state treasury may be expended for the following purposes:

(a) For old age assistance, the sum of one million nine hundred ninety-eight thousand eight hundred dollars $1,998,800.00

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(b) For aid to dependent children, the sum of eight hundred nineteen thousand nine hundred fifty dollars ..... $ 819,950.00

(c) For aid to needy blind, the sum of one hundred eighty-one thousand dollars ..... $ 181,000.00

(d) For aid to the permanently and totally disabled, the sum of one hundred sixty-six thousand three hundred dollars ..... $ 166,300.00

(e) For child welfare services, including all state administrative costs, the sum of forty-five thousand dollars ..... $ 45,000.00

(f) For the payment of board and room for dependent and neglected children in approved family foster homes in cases where the county of residence of such children pays one half of such cost, the sum of seventy-two thousand dollars ..... $ 72,000.00

(g) For general relief and contingencies, the sum of two hundred thousand dollars ..... $ 200,000.00

(h) For payment to persons having silicosis, pursuant to provisions of sections 71-1001 to 71-1008 inclusive, Revised Codes of Montana, 1947, as amended, and for medical examinations, transportation and other related services, the sum of four hundred eighty-nine thousand three hundred dollars ..... $ 489,300.00

(i) For employer's contribution to the public employees' retirement system, the sum of eighteen thousand five hundred dollars ..... $ 18,500.00

(j) For employer's contribution to social security, the sum of five thousand five hundred dollars ..... $ 5,500.00

(k) For administrative costs of the state department not otherwise provided for including advances of the compensation and expenses of the personnel staff attached to county welfare boards the sum of two hundred thirty-one thousand dollars ..... $ 231,000.00

Section 5. In addition to the foregoing appropriations, there is hereby appropriated for both of the two (2) fiscal years, all balances of prior appropriations unexpended on June 30, 1957, and all funds which may be received from counties as reimbursements for the purposes for which they are designated and any other

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funds which may be received by the state department of public welfare.

Section 6. Any money hereby appropriated for the state department of public welfare and specified for any account or purpose and not needed for such account or purpose, may be transferred by the state board of public welfare to any other account or purpose under the authority of the department, except that no part of items, (a), (b), (c), (d), (e), (f), (g) and (h) shall be transferred to items (i), (j), and (k), retirement, social security and administrative costs.

Section 7. The appropriation hereby provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved February 21, 1957.

HOUSE BILL NO. 272

An Act to Appropriate Money for the Purchase of Sets of the Revised Codes of Montana, 1947, and Providing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum or so much thereof as may be necessary be, and the same is hereby appropriated out of any money in the state treasury not otherwise provided for the purpose hereinafter expressed:

FROM THE GENERAL FUND

For the purchase of ten (10) sets of the Revised Codes of Montana, 1947, complete, as published by the publishers and distributors thereof, at one hundred twenty dollars ($120.00) per set,
Twelve hundred dollars ..... $ 1,200.00

Section 2. Appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after July 1, 1958.

Approved February 19, 1957.

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HOUSE BILL NO. 291

An Act to Appropriate Money from the Escheated Estates Fund of the State of Montana, for the Purpose of Replacing a Bequest, to Harriett Morrison, Which has Escheated to the State of Montana, being her Distributive Share in the Matter of the Estate of Josie A. Thompson, Deceased, Estate No. 3923 in the Office of the Clerk of Court of Flathead County, Montana; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of $701.43 be and the same is hereby appropriated from money in the escheated estates fund of the state treasury, not otherwise appropriated, for the purpose of replacing the bequest and distributive share of Harriett Morrison, in that amount, which has escheated to the State of Montana, which bequest was in the estate of Josie A. Thompson, deceased, being estate file No. 3923 in the office of the clerk of court of Flathead county, Montana.

Section 2. That the state treasurer shall draw a warrant on said escheated estates fund in the amount of $701.43 to the clerk of court of Flathead county, Montana, who shall disburse the same to the legal representative of said Harriett Morrison, after written demand and proof of authority of said legal representative in the same manner as if such distributive share had not escheated to the State of Montana.

Section 3. The appropriation heretofore provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its approval.

Approved March 11, 1957.

HOUSE BILL NO. 366

An Act to Appropriate Money for the Construction of Facilities Necessary for the Administration and Training of the Montana National Guard, and Containing an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of any money in

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the state treasury, not otherwise appropriated, the sum of one hundred twenty-six thousand dollars ($126,000.00) to the adjutant general for the sole purpose of constructing, under the provisions of sections 77-415 through 77-420, Revised Codes of Montana, 1947, as amended, facilities necessary for the administration and training of the Montana national guard.

Section 2. No part of the funds appropriated hereby shall be expended for the purchase or lease of any site for such facility.

Section 3. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 2, 1957.

HOUSE BILL NO. 384

An Act to Appropriate Money for the State Public School Equalization Fund and Providing for the Manner of Distribution Thereof for the Period Beginning July 1, 1957, and Ending June 30, 1959.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That there is hereby appropriated from the state treasury to the state public school equalization fund, to be distributed in accordance with the provisions of law, for the period beginning July 1, 1957, and ending June 30, 1958, the following sum or so much thereof as may be necessary:

FROM THE GENERAL FUND

Six million four hundred thousand dollars $6,400,000.00

Section 2. That there is hereby appropriated from the state treasury to the state public school equalization fund, to be distributed in accordance with the provisions of law, for the period beginning July 1, 1958, and ending June 30, 1959, the following sum, or so much thereof as may be necessary:

FROM THE GENERAL FUND

Seven million one hundred thousand dollars $7,100,000.00

Section 3. No part of such funds shall be distributed prior to December 2, 1957.

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Section 4. It is hereby provided that none of the funds allocated, or any other funds allocated to the state public school equalization fund, shall be paid out to the school districts of the state in excess of the foundation program needs, as established by section 75-3612, Revised Codes of Montana, 1947, as amended by section 1, chapter 241, laws of 1955, or in excess of the state equalization percentage established under the provisions of section 75-3619, Revised Codes of Montana, 1947.

Section 5. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 5, 1957.

HOUSE BILL NO. 462

An Act to Appropriate Money to the State Board of Examiners for a Supplemental Appropriation for Western Montana College of Education for Repair of Heating System at Said Institution Providing for Re-appropriation and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the sum of forty-seven thousand five hundred dollars ($47,500.00) or so much thereof as may be necessary, be, and the same is hereby appropriated out of the general fund, not otherwise appropriated, to the board of examiners, to be expended for immediate renovation and repair of heating system at western Montana college of education at Dillon, Montana, said heating facilities having been determined to be in need of immediate repair and an emergency existing.

Section 2. Any unexpended funds as of June 30, 1957, are hereby re-appropriated for the ensuing biennium.

Section 3. Appropriations herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 7, 1957.

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HOUSE BILL NO. 463

An Act to Appropriate Money to the Water Conservation Bond Fund for Payment of Balance Due on Water Purchase Contract Covering Lands Owned by the State of Montana and Known as the Industrial School Farm.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. The following sum is hereby appropriated to the water conservation bond fund (chapter 148, session laws, 1951) to pay the balance due on a contract dated August 7, 1937, executed by the board of examiners for the purchase of 660 acre-feet of water from the Tongue river project in Big Horn and Custer counties for use on lands owned by the State of Montana and known as the industrial school farm.

FROM THE GENERAL FUND

19 annual payments of $858.00 .....$ 16,302.00

Section 2. The appropriation herein provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Approved March 1, 1957.

HOUSE BILL NO. 464

An Act to Appropriate Money for the Purpose of Paying Expenses as Designated Herein, for State Orphans' Home, Vocational School for Girls, Bureau of Vocational Rehabilitation, County Attorneys, Governor's Office, State Treasurer, Milk Control Board, District Judges, Capitol Custodian, Montana State Hospital, Montana State Industrial School, Board of Education, Superintendent of Public Instruction, Attorney General's Office, Secretary of State, Supreme Court, State Auditor's Office, Railroad and Public Service Commission, University of Montana, Montana State College, Montana School of Mines, Western Montana College of Education, Eastern Montana College of Education, Northern Montana College of Education, Industrial Accident Board, Board of Pardons, Montana Trade Commission, Veterans' Welfare Commission, Montana State Apprenticeship Council, State Board of Examiners, State Law Library, Historical Society of Montana, and Montana Highway Patrol, for the Remainder of the Current Fiscal Year Ending June 30, 1957, it Being Determined the Appropriation Made by the Thirty-

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fourth Legislative Assembly, to be Insufficient; and to Transfer Monies from One Fund to Another Within the Budget of State Forester, and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purposes hereinafter expressed for the current biennium ending June 30, 1957:

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

For operation, nine thousand six hundred dollars ....$	9,600.00

STATE ORPHANS HOME

FROM THE GENERAL FUND

Social security, six thousand six hundred twenty-one dollars ....$	6,621.00
Operation, fifteen thousand ninety-five dollars	15,095.00
Salaries, seven thousand five hundred thirty-one dollars	7,531.00

VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

Salaries and expenses, twenty-nine thousand dollars ..$	29,000.00
Teachers' retirement system, four hundred dollars ..	400.00
Public employees' retirement system, one hundred dollars	100.00

MONTANA STATE HOSPITAL

FROM THE GENERAL FUND

Hospital salaries and expense—	
For social security, sixty-three thousand seven hundred six dollars and sixty-three cents ....$	63,706.63
For tranquilizing drugs, eighty-eight thousand four hundred seventy-nine dollars and thirty-eight cents	88,479.38
Public employees' retirement system, thirteen thousand, nine hundred seventy dollars and thirty-one cents	13,970.31

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MONTANA STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

Operation, thirty-four thousand seven hundred dollars	$ 34,700.00
Social security, three thousand thirty-eight dollars	3,038.00
Capital, five thousand five hundred dollars	5,500.00
Capital, repairs and maintenance, three thousand eight hundred dollars	3,800.00

BUREAU OF VOCATIONAL REHABILITATION

FROM THE GENERAL FUND

Operation, five thousand dollars	$ 5,000.00

COUNTY ATTORNEYS

FROM THE GENERAL FUND

Salaries, three thousand seven hundred fifty dollars	$ 3,750.00
Social security, one thousand one hundred two dollars and forty-two cents	1,102.42

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

Capital, repairs and replacements, three thousand dollars	$ 3,000.00
For extraditions, seven thousand five hundred dollars	7,500.00

STATE TREASURER

FROM THE GENERAL FUND

Salaries, one thousand two hundred nine dollars and sixty-eight cents	$ 1,209.68
Social security, one thousand two hundred twenty-nine dollars and seventeen cents	1,229.17

DISTRICT JUDGE

FROM THE GENERAL FUND

For salaries, forty-three thousand seven hundred two dollars and fifty cents	$ 43,702.50
Public employees' retirement system and industrial accident, four hundred dollars	400.00

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Social security, two thousand five hundred seventy-two dollars and fifty cents	2,572.50

CAPITOL CUSTODIAN

FROM THE GENERAL FUND

Public employees' retirement system, three hundred dollars	$ 300.00
Salaries, sixty-two thousand seven hundred dollars	62,700.00
Operation, seven thousand dollars	7,000.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

Operation, four thousand five hundred dollars	$ 4,500.00
Salaries, four thousand dollars	4,000.00

SECRETARY OF STATE

FROM THE GENERAL FUND

Salaries, five thousand five hundred dollars	$ 5,500.00
Capital, repairs and replacements, four hundred dollars	400.00
Operation, two thousand four hundred thirty-five dollars and twenty-six cents	2,435.26
Election expense, four thousand dollars	4,000.00

SUPREME COURT

FROM THE GENERAL FUND

Salaries, five thousand dollars	$ 5,000.00

STATE AUDITOR

FROM THE GENERAL FUND

For social security, one thousand one hundred dollars	$ 1,100.00

RAILROAD AND PUBLIC SERVICE COMMISSION

FROM THE GENERAL FUND

Operation, seven thousand dollars	$ 7,000.00

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MONTANA STATE UNIVERSITY

FROM THE MILLAGE FUND

Teachers' retirement system, nine thousand dollars	$ 9,000.00
Public employees' retirement system, nine thousand one hundred dollars	9,100.00
Social security, eighty-two thousand, nine hundred forty-two dollars and sixty-eight cents	82,942.68

MONTANA STATE COLLEGE

FROM THE MILLAGE FUND

Public employees' retirement system, eight thousand eight hundred dollars	$ 8,800.00
Capital, repairs and replacements, ten thousand, eight hundred two dollars	10,802.00
Social security, ninety-one thousand, four hundred seventy-eight dollars and seventy-four cents	91,478.74

AGRICULTURAL EXPERIMENT STATION

FROM THE MILLAGE FUND

Teachers' retirement system, seven hundred dollars	$ 700.00
Public employees' retirement system, two thousand four hundred fifty dollars	2,450.00
Social security, thirty-seven thousand five hundred ninety-six dollars and ninety-one cents	37,596.91

AGRICULTURAL EXTENSION SERVICE

FROM THE MILLAGE FUND

Social security, four thousand nine hundred twenty-one dollars and sixty cents	$ 4,921.60

NORTHERN MONTANA COLLEGE OF EDUCATION

FROM THE MILLAGE FUND

Public employees' retirement system, two hundred dollars	$ 200.00
For social security, eleven thousand three hundred ten dollars	11,310.00

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MONTANA SCHOOL OF MINES

FROM THE MILLAGE FUND

For social security, fourteen thousand seven hundred fifty-two dollars and eighty-four cents ..... $ 14,752.84

FROM THE GENERAL FUND

Operation, nineteen thousand five hundred ninety-two dollars and ninety-nine cents ..... $ 19,592.99

WESTERN MONTANA COLLEGE OF EDUCATION

FROM THE MILLAGE FUND

For social security, ten thousand six hundred seventeen dollars and twenty-two cents ..... $ 10,617.22

EASTERN MONTANA COLLEGE OF EDUCATION

FROM THE MILLAGE FUND

For social security, eighteen thousand sixty-six dollars and forty-nine cents ..... $ 18,066.49

INDUSTRIAL ACCIDENT BOARD

FROM THE GENERAL FUND

Salaries, four thousand four hundred forty-eight dollars and twenty cents ..... $ 4,448.20

Public employees' retirement system, one thousand dollars 1,000.00

Operation, one thousand eight hundred ninety-one dollars 1,891.00

Social security, seven thousand eight hundred twenty-five dollars and twenty-two cents 7,825.22

BOARD OF PARDONS

FROM THE GENERAL FUND

Operation, six thousand five hundred twenty-five dollars ..... $ 6,525.00

Public employees' retirement system, social security, and industrial accident, seven thousand eight hundred forty-eight dollars and forty-one cents ..... $ 7,848.41

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MONTANA TRADE COMMISSION

FROM THE GENERAL FUND

For operation, one thousand one hundred dollars ....$ 1,100.00

VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

For social security, six thousand three hundred eighty dollars .....$ 6,380.00

MONTANA STATE APPRENTICESHIP COUNCIL

FROM THE GENERAL FUND

For operation, one thousand dollars .....$ 1,000.00

STATE BOARD OF EXAMINERS

FROM THE GENERAL FUND

Board of examiner's emergency fund, twenty-three thousand four hundred seventy dollars and sixty-eight cents .....$ 23,470.68

Public employees' retirement system, four hundred thirty-five dollars 435.00

Engineering division, five thousand dollars 5,000.00

FROM THE HIGHWAY FUND

For paving streets under special improvement district No. 202, sixty thousand dollars .....$ 60,000.00

STATE DEPARTMENT OF PUBLIC INSTRUCTION

FROM THE GENERAL FUND

For social security, seven thousand one hundred ninety-five dollars and ninety-six cents .....$ 7,195.96

Exceptional child division, one thousand nine hundred twenty dollars 1,920.00

FROM EQUALIZATION FUND

For social security, three thousand four hundred ninety-seven dollars and thirty-one cents .....$ 3,497.31

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For text books—supervised correspondence school, two thousand six hundred eighty-two dollars and fifty cents 2,682.50

BOARD OF EDUCATION

FROM THE GENERAL FUND

For social security, one hundred seventy dollars and ninety cents .....$ 170.90

Orphans' scholarship fund, one thousand dollars 1,000.00

MONTANA MILK CONTROL BOARD

FROM THE GENERAL FUND

Operation, three thousand nine hundred dollars .....$ 3,900.00

STATE LAW LIBRARY

FROM THE GENERAL FUND

Salaries, five hundred dollars .....$ 500.00

Public employees' retirement system, one hundred dollars 100.00

HIGHWAY PATROL

FROM THE GENERAL FUND

Operation, sixty thousand dollars .....$ 60,000.00

STATE FORESTER

Transfer from fund 156 to fund 583-3, the sum of five thousand dollars .....$ 5,000.00

In addition to the above appropriation there is hereby granted authority for the state forester to transfer funds from one account to another.

Section 2. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 12, 1957.

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HOUSE BILL NO. 465

An Act to Appropriate Money to the Board of Examiners for the Payment of Certain Contract Obligations at the Montana State Prison, said Lands under Contract Known as Deer Lodge Valley Farms, Payment of Lease on Certain State and Forest Lands, Payment of Taxes on Lands under Purchase Contract and to Pay Interest on Unpaid Balance and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of carrying out the provisions as set forth in this act.

FROM THE GENERAL FUND

For obligations incurred by the board of examiners for the payment of purchase contract on lands, lease on certain lands, payment of taxes, payment of interest, for the sum of one hundred eighty-two thousand eight hundred twenty-six dollars and thirty-eight cents ($182,826.38), more particularly itemized as follows:

Two yearly payments of sixty-five thousand nine hundred ninety-two dollars and twenty cents ($65,992.20) for 1957 and 1958, one hundred thirty-one thousand nine hundred eighty-four dollars and forty cents	$	131,984.40
Interest on unpaid balances for the years 1957 and 1958, thirty-two thousand three hundred six dollars and fourteen cents	$	32,306.14
Taxes for years 1957 and 1958, seventeen thousand five hundred dollars	$	17,500.00
Leases on land, payable to state land office for 1957 and 1958, six hundred sixty-one dollars	$	661.00
Forestry fire protection for 1957 and 1958, three hundred seventy-four dollars and eighty-four cents	$	374.84

Section 2. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

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Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1957.

HOUSE BILL NO. 466

An Act to Appropriate Money to Provide Supplementary Funds for the Expansion of the Practical Nurse Program, a Department of the Vocational-Technical Division, Northern Montana College, Havre, Montana, and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sum, be, and the same is hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following supplementary claim, to be used for the preparation of a classroom and laboratory, to provide for supplies, equipment, publications and travel, for expansion of the practical nurse program at northern Montana college, Havre, Montana.

FROM THE GENERAL FUND

Nineteen thousand dollars .....$ 19,000.00

Section 2. Any unexpended funds, as of June 30, 1957, are hereby reappropriated for the ensuing biennium.

Section 3. The appropriation hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 4. This act shall be in full force and effect from and after its passage and approval.

Approved March 9, 1957.

HOUSE BILL NO. 467

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus, and Commissions, for the Period Beginning July 1, 1957, and Ending June 30, 1959.

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Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau or commission to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operations, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees' retirement system" means the state contributions to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must

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be presented for payment not later than twenty (20) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year, except amounts encumbered by purchase order or obligated claims and not billed prior to the above date shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

(11) The term "social security" means the state contributions to the social security fund and said money is to be used for that purpose and no other.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1957, and ending June 30, 1958.

STATE BOARD OF EQUALIZATION

ADMINISTRATION

FROM THE GENERAL FUND

Salaries of the board members, twenty-one thousand dollars	$	21,000.00
Salaries of others, seventy-eight thousand three hundred dollars	$	78,300.00
Operation, twenty thousand ninety dollars	$	20,090.00
Capital outlay, nine hundred dollars	$	900.00
Repairs and replacements, seven hundred twenty-five dollars	$	725.00
Public employees' retirement system, three thousand seven hundred twenty-four dollars	$	3,724.00
Social security, two thousand thirty-two dollars	$	2,032.00

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INCOME TAX DIVISION

FROM THE GENERAL FUND

Salaries, one hundred seventy-eight thousand five hundred sixty dollars ..... $ 178,560.00

Operation, forty-three thousand thirty-one dollars .... $ 43,031.00

Capital outlay, seventeen thousand eight hundred nine dollars ..... $ 17,809.00

Repairs and replacements, two thousand six hundred sixty-three dollars ..... $ 2,663.00

Public employees' retirement system, six thousand six hundred ninety-six dollars ..... $ 6,696.00

Social security, three thousand six hundred sixty-three dollars ..... $ 3,663.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries, fifty-nine thousand five hundred twenty dollars ..... $ 59,520.00

Operation, fourteen thousand three hundred forty-four dollars ..... $ 14,344.00

Capital outlay, five thousand nine hundred thirty-six dollars ..... $ 5,936.00

Repairs and replacements, eight hundred eighty-seven dollars ..... $ 887.00

Public employees' retirement system, two thousand two hundred thirty-two dollars ..... $ 2,232.00

Social security, one thousand two hundred twenty-one dollars ..... $ 1,221.00

FOR THE INCOME TAX WITHHOLDING FUND

As much as may be necessary to pay all lawful claims, as provided by law.

CORPORATION LICENSE TAX DIVISION

FROM THE GENERAL FUND

Salaries, eighteen thousand nine hundred dollars ..... $ 18,900.00

Operation, three thousand five hundred sixty-six dollars ..... $ 3,566.00

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Capital outlay, four hundred eighty-five dollars	$	485.00
Public employees' retirement system, seven hundred nine dollars	$	709.00
Social security, three hundred eighty-eight dollars	$	388.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries, six thousand three hundred dollars	$	6,300.00
Operation, one thousand one hundred eighty nine dollars	$	1,189.00
Capital outlay, one hundred sixty-five dollars	$	165.00
Public employees' retirement system, two hundred thirty-six dollars	$	236.00
Social security, one hundred twenty-nine dollars	$	129.00

LICENSING DIVISION

FROM THE GENERAL FUND

Salaries, twelve thousand dollars	$	12,000.00
Operation, eight thousand seven hundred seventeen dollars	$	8,717.00
Capital outlay, three hundred dollars	$	300.00
Repairs and replacements, one hundred dollars	$	100.00
Public employees' retirement system, five hundred fifty-six dollars	$	556.00
Social security, two hundred seventy dollars	$	270.00

GASOLINE TAX REFUND AND TAX DIVISION

FROM THE HIGHWAY FUND

Salaries, ninety thousand dollars	$	90,000.00
Operation, thirty-two thousand twenty-eight dollars	$	32,028.00
Capital outlay, eight thousand seven hundred fifty dollars	$	8,750.00
Repairs and replacements, seven hundred dollars	$	700.00
Public employees' retirement system, three thousand three hundred seventy-five dollars	$	3,375.00

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Social security, one thousand eight hundred forty-five dollars ..... $ 1,845.00

FROM THE GASOLINE DRAWBACK FUND

For gasoline drawbacks, including refunds to the federal government, or as much as may be necessary to comply with the provisions of the law.

BOARD OF EXAMINERS

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, thirty-three thousand six hundred dollars ..... $ 33,600.00

Operation, three thousand five hundred forty dollars .. $ 3,540.00

Capital outlay, nine hundred twenty-five dollars ..... $ 925.00

Repairs and replacements, five hundred fifty dollars .. $ 550.00

Public employees' retirement system, one thousand seventy dollars ..... $ 1,070.00

Social security, six hundred eighty dollars ..... $ 680.00

For salaries and expenses of special investigators, eighteen thousand dollars ..... $ 18,000.00

CONSOLIDATED BOARDS

FROM THE GENERAL FUND

Salaries and wages, six thousand six hundred dollars .. $ 6,600.00

Operation, one hundred thirty dollars ..... $ 130.00

Capital outlay, four hundred dollars ..... $ 400.00

Repairs and replacements, seventy-five dollars ..... $ 75.00

Public employees' retirement system, two hundred twenty dollars ..... $ 220.00

Social security, one hundred fifty dollars ..... $ 150.00

ENGINEERING DIVISION

FROM THE GENERAL FUND

Salaries and wages, nineteen thousand two hundred dollars ..... $ 19,200.00

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Operation, two thousand nine hundred ninety-seven dollars ..... $ 2,997.00

Public employees' retirement system, four hundred ten dollars ..... $ 410.00

Social security, three hundred thirty-five dollars ..... $ 335.00

STATE ENTOMOLOGIST

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages seven thousand four hundred twenty-five dollars ..... $ 7,425.00

Operation, four thousand three hundred eighty-three dollars ..... $ 4,383.00

Repairs and replacements, one thousand eight hundred fifty dollars ..... $ 1,850.00

Capital outlay, two hundred twenty dollars ..... $ 220.00

Public employees' retirement system, two hundred sixty-four dollars ..... $ 264.00

Social security, one hundred sixty-four dollars ..... $ 164.00

APICULTURE DIVISION

FROM THE GENERAL FUND

Salaries and wages, six thousand eight hundred twenty-five dollars ..... $ 6,825.00

Operation, two thousand two hundred fifty-six dollars ..... $ 2,256.00

Repairs and replacements, one thousand six hundred dollars ..... $ 1,600.00

Public employees' retirement system, two hundred fifty-six dollars ..... $ 256.00

Social security, one hundred fifty-one dollars ..... $ 151.00

RANGE CONTROL INVESTIGATIONS

FROM THE GENERAL FUND

Salaries and wages, one thousand five hundred dollars ..... $ 1,500.00

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Operation, two thousand fifty dollars. ..... $ 2,050.00

Repairs and replacements, one thousand six hundred dollars ..... $ 1,600.00

Public employees' retirement system, fifty-seven dollars ..... $ 57.00

Social security, thirty-three dollars ..... $ 33.00

LIBRARY EXTENSION COMMISSION

FROM THE GENERAL FUND

Salaries and wages, seventeen thousand nine hundred forty dollars ..... $ 17,940.00

Operation, four thousand thirty-five dollars ..... $ 4,035.00

Capital outlay, four thousand three hundred dollars ..... $ 4,300.00

Repairs and replacements, two hundred dollars ..... $ 200.00

Public employees' retirement system, six hundred seventy-three dollars ..... $ 673.00

Social security, four hundred twenty-five dollars .... $ 425.00

Library services to the blind, three thousand six hundred dollars ..... $ 3,600.00

In addition to the above appropriations, all trust funds and all monies received from federal assistance are hereby appropriated, subject to all statutory provisions.

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATION FUND

Salaries and wages, eighteen thousand five hundred dollars ..... $ 18,500.00

Operation, ten thousand five hundred thirty-five dollars ..... $ 10,535.00

Repairs and replacements, four hundred dollars ..... $ 400.00

Capital outlay, two thousand nine hundred dollars .... $ 2,900.00

Public employees' retirement system, seven hundred dollars ..... $ 700.00

Social security, four hundred fifty dollars ..... $ 450.00

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FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims, as provided by law.

STATE ENGINEER

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, nineteen thousand two hundred dollars	$	19,200.00
Operation, two thousand two hundred dollars	$	2,200.00
Repairs and replacements, two thousand one hundred dollars	$	2,100.00
Capital outlay, four hundred fifty dollars	$	450.00
Public employees' retirement system, two thousand five hundred dollars	$	2,500.00
Social security, five hundred dollars	$	500.00

STREAM GAUGING

FROM THE GENERAL FUND

Salaries and wages, twenty-three thousand dollars	$	23,000.00
Operation, two thousand three hundred fifty dollars	$	2,350.00
Repairs and replacements, nine hundred dollars	$	900.00
Capital outlay, three thousand four hundred dollars	$	3,400.00
Social security, five hundred fifty dollars	$	550.00

WATER RESOURCES SURVEY

FROM THE GENERAL FUND

Salaries and wages, forty-six thousand eight hundred sixty dollars	$	46,860.00
Operation, twenty thousand dollars	$	20,000.00
Repairs and replacements, three thousand five hundred dollars	$	3,500.00
Capital outlay, one thousand two hundred fifty dollars	$	1,250.00

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Social security, one thousand one hundred dollars ....$ 1,100.00

YELLOWSTONE RIVER COMPACT

FROM THE GENERAL FUND

Salaries and wages, one thousand five hundred dollars .....$ 1,500.00

Operation, two hundred dollars .....$ 200.00

Social security, fifty dollars .....$ 50.00

SURVEY OF INTERNATIONAL WATERS

FROM THE GENERAL FUND

Salaries and expenses, two thousand five hundred dollars .....$ 2,500.00

COLUMBIA RIVER COMPACT

FROM THE GENERAL FUND

Salaries and expenses, seven thousand two hundred dollars .....$ 7,200.00

CAREY LAND ACT BOARD

FROM THE GENERAL FUND

Salaries and expenses, one thousand two hundred fifty dollars .....$ 1,250.00

PACIFIC NORTHWEST GOVERNOR'S POWER POLICY COMMITTEE

FROM THE GENERAL FUND

Salaries and expenses, two thousand eight hundred dollars .....$ 2,800.00

MILK CONTROL BOARD

FROM THE GENERAL FUND

Salary, head of department, six thousand dollars.....$ 6,000.00

Salaries, other employees, nine thousand six hundred dollars .....$ 9,600.00

Operation, eight thousand four hundred eight dollars $ 8,408.00

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Repairs and replacements, one hundred dollars	$	100.00
Capital outlay, two hundred dollars	$	200.00
Public employees' retirement system, five hundred eighty-five dollars	$	585.00
Social security, three hundred fifty dollars	$	350.00

POULTRY IMPROVEMENT BOARD

FROM THE GENERAL FUND

Salary, head of department, six thousand dollars	$	6,000.00
Salaries, other employees, four thousand one hundred twenty dollars	$	4,120.00
Operation, two thousand eight hundred ten dollars	$	2,810.00
Capital outlay, two hundred seventy-five dollars	$	275.00
Public employees' retirement system, three hundred eighty dollars	$	380.00
Social security, two hundred thirty dollars	$	230.00

FROM THE POULTRY IMPROVEMENT BOARD FUND

As much as may be necessary to pay all lawful claims as provided by law.

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

Salaries and wages, fifty-one thousand dollars	$	51,000.00
Operation, eight thousand dollars	$	8,000.00
Repairs and replacements, eight hundred dollars	$	800.00
Capital outlay, three thousand eight hundred dollars	$	3,800.00
Public employees' retirement system, two thousand dollars	$	2,000.00
Social security, four hundred dollars	$	400.00

FROM THE HISTORICAL SOCIETY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

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FROM THE SPECIAL LIBRARY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE MUSEUM FUND

As much as may be necessary to pay all lawful claims, as provided by law.

CIVIL DEFENSE

FROM THE GENERAL FUND

Salaries and wages, nine thousand dollars	$ 9,000.00
Operation, six thousand four hundred forty-two dollars	$ 6,442.00
Public employees' retirement system, three hundred thirty-eight dollars	$ 338.00
Social security, two hundred twenty dollars	$ 220.00
Contemplated military surplus cost, five thousand dollars	$ 5,000.00

FROM THE CIVIL DEFENSE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE DISASTER RELIEF FUND

As much as may be necessary to pay all lawful claims, as provided by law.

STATE FORESTER

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, fifty-eight thousand six hundred eighty dollars	$ 58,680.00
Operation, twenty-three thousand dollars	$ 23,000.00
Capital outlay, one thousand nine hundred dollars	$ 1,900.00
Repairs and replacement, two hundred dollars	$ 200.00
Public employees' retirement system, four thousand nine hundred sixty-five dollars	$ 4,965.00

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Social security, one thousand five hundred dollars ....$ 1,500.00

PROTECTION OF STATE LANDS

FROM THE GENERAL FUND

Salaries and wages, fifteen thousand one hundred ten dollars .....$ 15,110.00

Operation, twenty-eight thousand eighty-seven dollars .....$ 28,087.00

Capital outlay, two thousand five hundred dollars ....$ 2,500.00

Repairs and replacements, one thousand one hundred fifty dollars .....$ 1,150.00

Social security, four hundred dollars .....$ 400.00

Insect control, seventy-five thousand dollars .....$ 75,000.00

TIMBER SALES

FROM THE GENERAL FUND

Salaries and wages, forty-three thousand seven hundred eighty dollars .....$ 43,780.00

Operation, one thousand eight hundred twenty-eight dollars .....$ 1,828.00

Capital outlay, nine hundred dollars .....$ 900.00

Social security, one thousand dollars .....$ 1,000.00

In addition to the above appropriations there is hereby appropriated all moneys received from the federal government or trust, to be used for the purposes for which they were provided.

BOARD OF FORESTRY

FROM THE GENERAL FUND

Salaries and wages, one thousand eighty dollars .....$ 1,080.00

Operation, three hundred ninety-five dollars .....$ 395.00

Social security, twenty-five dollars .....$ 25.00

RURAL FIRE FIGHTERS' SERVICE

FROM THE GENERAL FUND

Salaries and wages, four thousand eight hundred fifty dollars .....$ 4,850.00

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Operation, two thousand five hundred sixty-three dollars ..... $ 2,563.00

Capital outlay, one hundred dollars ..... $ 100.00

Public employees' retirement system, one hundred eighty dollars ..... $ 180.00

Social security, one hundred ten dollars ..... $ 110.00

FROM THE KEEP MONTANA GREEN FUND

As much as may be necessary to pay all lawful claims, as provided by law.

VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

Salaries and wages, one hundred twenty-six thousand dollars ..... $ 126,000.00

Operation, thirty-three thousand dollars ..... $ 33,000.00

Repairs and replacements, one thousand dollars ..... $ 1,000.00

Public employees' retirement system, five thousand dollars ..... $ 5,000.00

Social security, two thousand eight hundred fifty dollars ..... $ 2,850.00

SOIL CONSERVATION COMMITTEE

FROM THE GENERAL FUND

Salaries and wages, eight thousand five hundred dollars ..... $ 8,500.00

Operation, four thousand two hundred dollars ..... $ 4,200.00

Public employees' retirement system, three hundred ten dollars ..... $ 310.00

Social security, two hundred dollars ..... $ 200.00

WATER CONSERVATION BOARD

FROM THE GENERAL FUND

For administrative salaries and expenses, fifty-eight thousand seven hundred fifty dollars ..... $ 58,750.00

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For betterments and repairs to existing projects, extensions to existing projects and construction of new projects, three hundred seventy-five thousand dollars ..... $ 375,000.00

Public employees' retirement system, seven thousand five hundred dollars ..... $ 7,500.00

For salaries and expenses of the revolving fund, eighty thousand dollars ..... $ 80,000.00

For planning board, thirty-six thousand dollars ..... $ 36,000.00

For salary and expenses, Washington, D. C., representative, two thousand five hundred dollars ..... $ 2,500.00

In addition to the above appropriation, all monies paid or to be repaid the water conservation board from any source by reason of any previous expenditures made by said board from state funds, are hereby appropriated.

STATE EXAMINER

FROM THE GENERAL FUND

Salaries and wages, eighty thousand dollars ..... $ 80,000.00

Operation, thirty-four thousand dollars ..... $ 34,000.00

Repairs and replacements, five hundred dollars ..... $ 500.00

Capital outlay, one thousand two hundred fifty dollars ..... $ 1,250.00

Public employees' retirement system, three thousand dollars ..... $ 3,000.00

Social security, one thousand eight hundred dollars .. $ 1,800.00

Permanent revolving fund, one thousand dollars ..... $ 1,000.00

STATE CONTROLLER

FROM THE GENERAL FUND

Salaries and wages, sixty-nine thousand nine hundred seventy dollars ..... $ 69,970.00

Maintenance and operation, twenty-eight thousand three hundred fifty dollars ..... $ 28,350.00

Repairs and replacements, two thousand one hundred seventy-five dollars ..... $ 2,175.00

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Capital outlay, one thousand two hundred five dollars ..... $ 1,205.00

Public employees' retirement system, three thousand seven hundred fifty dollars ..... $ 3,750.00

Social security, two thousand two hundred seventy-five dollars ..... $ 2,275.00

FROM THE MILLAGE FUND

Salaries and wages, nine thousand dollars ..... $ 9,000.00

FROM THE HIGHWAY FUND

Salaries and wages, twenty-one thousand dollars .... $ 21,000.00

FROM THE FISH AND GAME FUND

Maintenance and operation, six thousand dollars ..... $ 6,000.00

BUDGET INVESTIGATION

FROM THE GENERAL FUND

Salaries and expenses, sixteen thousand dollars ..... $ 16,000.00

COMMODITY DISTRIBUTION DIVISION

FROM THE GENERAL FUND

Salaries and wages, twelve thousand eight hundred dollars ..... $ 12,800.00

Maintenance and operation, one thousand dollars .... $ 1,000.00

For revolving fund for surplus commodities to private agencies as designated by federal law, two thousand dollars ..... $ 2,000.00

Capital outlay, one thousand one hundred twenty dollars ..... $ 1,120.00

Repairs and replacements, fifty dollars ..... $ 50.00

FROM THE COMMODITY DISTRIBUTION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

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CO-ORDINATOR OF INDIAN AFFAIRS

FROM THE GENERAL FUND

Salaries and wages, three thousand six hundred dollars	$	3,600.00
Maintenance and operation, one thousand five hundred twenty-five dollars	$	1,525.00
Repairs and replacements, fifty dollars	$	50.00
Public employees' retirement system, one hundred twenty dollars	$	120.00
Capital outlay, two hundred thirty-three dollars	$	233.00
Social security, seventy-two dollars	$	72.00

OIL AND GAS CONSERVATION COMMISSION

FROM THE OIL AND GAS CONSERVATION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

REGISTRAR OF MOTOR VEHICLES

FROM THE MOTOR VEHICLE RECORDING FUND

For salaries and expenses, as much thereof as may be necessary to pay all lawful claims as provided by law.

ATHLETIC COMMISSION

FROM THE VETERANS' MEMORIAL FUND

For salaries and expenses, as much as may be necessary to pay all lawful claims as provided by law.

STATE AERONAUTICS' COMMISSION

FROM THE STATE AVIATION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

REGULATORY BOARDS

All regulatory boards for which the law provides for collection of fees and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the

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said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

ADJUSTED COMPENSATION DIVISION

FROM THE VETERANS' COMPENSATION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM FUND

As much as may be necessary to pay all lawful claims, as provided by law.

SOCIAL SECURITY DIVISION

FROM THE SOCIAL SECURITY DIVISION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the expenses of transporting prisoners, twenty thousand dollars .....$ 20,000.00

STATE HIGHWAY COMMISSION

FROM THE HIGHWAY FUND

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the state for administration of the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by initiative measure No. 31 and acts supplementary or amendatory thereto; provided further that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the highway commission, subject to approval of the state board of examiners, such parts of the money hereby appropriated as is

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necessary to match federal aid for construction and for reconstruction purposes, and when so transferred, said monies may be expended and drawn from the said state highway trust fund in the manner as other monies in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for the highway purposes.

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1958, and ending June 30, 1959.

STATE BOARD OF EQUALIZATION

ADMINISTRATION

FROM THE GENERAL FUND

Salary of the board members, twenty-one thousand dollars	$	21,000.00
Salaries of others, seventy-eight thousand three hundred dollars	$	78,300.00
Operation, twenty-three thousand five hundred ninety dollars	$	23,590.00
Capital outlay, six hundred fifty dollars	$	650.00
Repairs and replacements, seven hundred twenty-five dollars	$	725.00
Public employees' retirement system, three thousand seven hundred twenty-four dollars	$	3,724.00
Social security, two thousand thirty-two dollars	$	2,032.00

INCOME TAX DIVISION

FROM THE GENERAL FUND

Salaries, one hundred seventy-eight thousand five hundred sixty dollars	$	178,560.00
Operation, forty-three thousand thirty-one dollars	$	43,031.00
Capital outlay, seventeen thousand eight hundred nine dollars	$	17,809.00

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Repairs and replacements, two thousand six hundred sixty-three dollars ..... $ 2,663.00

Public employees' retirement system, six thousand six hundred ninety-six dollars ..... $ 6,696.00

Social security, three thousand six hundred sixty-three dollars ..... $ 3,663.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries, fifty-nine thousand five hundred twenty dollars ..... $ 59,520.00

Operation, fourteen thousand three hundred forty-four dollars ..... $ 14,344.00

Capital outlay, five thousand nine hundred thirty-six dollars ..... $ 5,936.00

Repairs and replacements, eight hundred eighty-seven dollars ..... $ 887.00

Public employees' retirement system, two thousand two hundred thirty-two dollars ..... $ 2,232.00

Social security, one thousand two hundred twenty-one dollars ..... $ 1,221.00

FROM THE INCOME TAX WITHHOLDING FUND

As much as may be necessary to pay all lawful claims as provided by law.

CORPORATION LICENSE TAX DIVISION

FROM THE GENERAL FUND

Salaries, eighteen thousand nine hundred dollars ..... $ 18,900.00

Operation, three thousand five hundred sixty-six dollars ..... $ 3,566.00

Capital outlay, four hundred eighty-five dollars ..... $ 485.00

Public employees' retirement system, seven hundred nine dollars ..... $ 709.00

Social security, three hundred eighty-eight dollars ..... $ 388.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries, six thousand three hundred dollars ..... $ 6,300.00

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Operation, one thousand one hundred eighty-nine dollars	$	1,189.00
Capital outlay, one hundred sixty-five dollars	$	165.00
Public employees' retirement system, two hundred thirty-six dollars	$	236.00
Social security, one hundred twenty-nine dollars	$	129.00

LICENSING DIVISION

FROM THE GENERAL FUND

Salaries, twelve thousand dollars	$	12,000.00
Operation, eight thousand seven hundred seventeen dollars	$	8,717.00
Capital outlay, three hundred dollars	$	300.00
Repairs and replacements, one hundred dollars	$	100.00
Public employees' retirement system, five hundred fifty-six dollars	$	556.00
Social security, two hundred seventy dollars	$	270.00

GASOLINE TAX REFUND AND TAX DIVISION

FROM THE HIGHWAY FUND

Salaries, ninety thousand dollars	$	90,000.00
Operation, thirty-two thousand twenty-eight dollars	$	32,028.00
Capital outlay, five hundred dollars	$	500.00
Repairs and replacements, seven hundred dollars	$	700.00
Public employees' retirement system, three thousand three hundred seventy-five dollars	$	3,375.00
Social security, one thousand eight hundred forty-five dollars	$	1,845.00

FROM THE GASOLINE DRAWBACK FUND

For gasoline drawbacks, including refunds to the federal government, or as much as may be necessary to comply with the provisions of the law.

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BOARD OF EXAMINERS

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, thirty-three thousand nine hundred dollars	$	33,900.00
Operation, three thousand five hundred forty dollars		3,540.00
Capital outlay, nine hundred twenty-five dollars	$	925.00
Repairs and replacements, five hundred fifty dollars	$	550.00
Public employees' retirement system, one thousand seventy dollars	$	1,070.00
Social security, six hundred eighty dollars	$	680.00
For salaries and expenses of special investigators, eighteen thousand dollars	$	18,000.00

CONSOLIDATED BOARDS

FROM THE GENERAL FUND

Salaries and wages, six thousand six hundred dollars	$	6,600.00
Operation, one hundred thirty dollars	$	130.00
Capital outlay, four hundred dollars	$	400.00
Repairs and replacements, seventy-five dollars	$	75.00
Public employees' retirement system, two hundred twenty dollars	$	220.00
Social security, one hundred fifty dollars	$	150.00

ENGINEERING DIVISION

FROM THE GENERAL FUND

Salaries and wages, nineteen thousand two hundred dollars	$	19,200.00
Operation, two thousand nine hundred ninety-seven dollars	$	2,997.00

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Public employees' retirement system, four hundred ten dollars	$	410.00
Social security, three hundred thirty-five dollars	$	335.00

STATE ENTOMOLOGIST

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, seven thousand six hundred twenty-five dollars	$	7,625.00
Operation, four thousand six hundred eighty-seven dollars	$	4,687.00
Repairs and replacements, two hundred fifty dollars	$	250.00
Capital outlay, seventy dollars	$	70.00
Public employees' retirement system, two hundred seventy-four dollars	$	274.00
Social security, one hundred sixty-eight dollars	$	168.00

APICULTURE DIVISION

FROM THE GENERAL FUND

Salaries and wages, seven thousand twenty-five dollars	$	7,025.00
Operation, two thousand two hundred sixty dollars	$	2,260.00
Repairs and replacements, one hundred dollars	$	100.00
Public employees' retirement system, two hundred sixty-six dollars	$	266.00
Social security, one hundred fifty-five dollars	$	155.00

RANGE CONTROL INVESTIGATIONS

FROM THE GENERAL FUND

Salaries and wages, one thousand five hundred dollars	$	1,500.00
Operation, two thousand fifty dollars	$	2,050.00
Repairs and replacements, one hundred dollars	$	100.00

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Public employees' retirement system, fifty-seven dollars ..... $ 57.00

Social security, thirty-three dollars ..... $ 33.00

LIBRARY EXTENSION COMMISSION

FROM THE GENERAL FUND

Salaries and wages, seventeen thousand nine hundred forty dollars ..... $ 17,940.00

Operation, four thousand thirty-five dollars ..... $ 4,035.00

Capital outlay, four thousand three hundred dollars ..$ 4,300.00

Repairs and replacements, two hundred dollars ..... $ 200.00

Public employees' retirement system, six hundred seventy-three dollars ..... $ 673.00

Social security, four hundred twenty-five dollars ..... $ 425.00

Library services to the blind, three thousand six hundred dollars ..... $ 3,600.00

In addition to the above appropriations, all trust funds and all monies received from federal assistance are hereby appropriated, subject to all statutory provisions.

BOARD OF HAIL INSURANCE

FROM THE HAIL INSURANCE ADMINISTRATION FUND

Salaries and wages, eighteen thousand five hundred dollars ..... $ 18,500.00

Operation, ten thousand five hundred thirty-five dollars ..... $ 10,535.00

Repairs and replacements, four hundred dollars ..... $ 400.00

Capital outlay, six hundred dollars ..... $ 600.00

Public employees' retirement system, seven hundred dollars ..... $ 700.00

Social security, four hundred fifty dollars ..... $ 450.00

FROM THE HAIL INSURANCE FUND

So much thereof as may be necessary to pay all losses and lawful claims, as provided by law.

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STATE ENGINEER

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, nineteen thousand two hundred dollars	$ 19,200.00
Operation, two thousand two hundred dollars	$ 2,200.00
Repairs and replacements, five hundred dollars	$ 500.00
Capital outlay, four hundred fifty dollars	$ 450.00
Public employees' retirement system, two thousand five hundred dollars	$ 2,500.00
Social security, five hundred dollars	$ 500.00

STREAM GAUGING

FROM THE GENERAL FUND

Salaries and wages, twenty-three thousand dollars	$ 23,000.00
Operation, two thousand three hundred fifty dollars	$ 2,350.00
Repairs and replacements, nine hundred dollars	$ 900.00
Capital outlay, three thousand four hundred dollars	$ 3,400.00
Social security, five hundred fifty dollars	$ 550.00

WATER RESOURCES SURVEY

FROM THE GENERAL FUND

Salaries and wages, forty-six thousand eight hundred sixty dollars	$ 46,860.00
Operation, twenty thousand dollars	$ 20,000.00
Repairs and replacements, three thousand five hundred dollars	$ 3,500.00
Capital outlay, one thousand two hundred fifty dollars	$ 1,250.00
Social security, one thousand one hundred dollars	$ 1,100.00

YELLOWSTONE RIVER COMPACT

FROM THE GENERAL FUND

Salaries and wages, one thousand five hundred dollars	$ 1,500.00

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Operation, two hundred dollars ..... $ 200.00

Social security, fifty dollars ..... $ 50.00

SURVEY OF INTERNATIONAL WATERS

FROM THE GENERAL FUND

Salaries and expenses, two thousand five hundred dollars ..... $ 2,500.00

COLUMBIA RIVER COMPACT

FROM THE GENERAL FUND

Salaries and expenses, seven thousand two hundred dollars ..... $ 7,200.00

CAREY LAND ACT BOARD

FROM THE GENERAL FUND

Salaries and expenses, one thousand two hundred fifty dollars ..... $ 1,250.00

PACIFIC NORTHWEST GOVERNORS' POWER POLICY COMMITTEE

FROM THE GENERAL FUND

Salaries and expenses, two thousand eight hundred dollars ..... $ 2,800.00

MILK CONTROL BOARD

FROM THE GENERAL FUND

Salary, head of department, six thousand dollars .... $ 6,000.00

Salaries, other employees, nine thousand six hundred dollars ..... $ 9,600.00

Operation, eight thousand four hundred eight dollars ..... $ 8,408.00

Repairs and replacements, one hundred dollars ..... $ 100.00

Capital outlay, two hundred dollars ..... $ 200.00

Public employees' retirement system, five hundred eighty-five dollars ..... $ 585.00

Social security, three hundred fifty dollars ..... $ 350.00

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POULTRY IMPROVEMENT BOARD

FROM THE GENERAL FUND

Salary, head of department, six thousand dollars	$ 6,000.00
Salaries, other employees, four thousand three hundred dollars	$ 4,300.00
Operation, two thousand eight hundred ten dollars ..	$ 2,810.00
Capital outlay, eight hundred fifty dollars	$ 850.00
Public employees' retirement system, three hundred ninety dollars	$ 390.00
Social security, two hundred thirty dollars	$ 230.00

FROM THE POULTRY IMPROVEMENT BOARD FUND

As much as may be necessary to pay all lawful claims, as provided by law.

HISTORICAL SOCIETY OF MONTANA

FROM THE GENERAL FUND

Salaries and wages, fifty-one thousand dollars	$ 51,000.00
Operation, eight thousand dollars	$ 8,000.00
Repairs and replacements, eight hundred dollars	$ 800.00
Capital outlay, three thousand eight hundred dollars	$ 3,800.00
Public employees' retirement system, two thousand dollars	$ 2,000.00
Social security, four hundred dollars	$ 400.00

FROM THE HISTORICAL SOCIETY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE SPECIAL LIBRARY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE MUSEUM FUND

As much as may be necessary to pay all lawful claims, as provided by law.

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CIVIL DEFENSE

FROM THE GENERAL FUND

Salaries and wages, nine thousand dollars	$	9,000.00
Operation, six thousand four hundred forty-two dollars	$	6,442.00
Public employees' retirement system, three hundred thirty-eight dollars	$	338.00
Social security, two hundred twenty dollars	$	220.00
Contemplated military surplus cost, five thousand dollars	$	5,000.00

FROM THE CIVIL DEFENSE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE DISASTER RELIEF FUND

As much as may be necessary to pay all lawful claims, as provided by law.

STATE FORESTER

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, fifty-eight thousand three hundred eighty dollars	$	58,380.00
Operation, twenty-five thousand dollars	$	25,000.00
Capital outlay, two thousand dollars	$	2,000.00
Repairs and replacements, two hundred dollars	$	200.00
Public employees' retirement system four thousand nine hundred sixty-five dollars	$	4,965.00
Social security, one thousand five hundred dollars	$	1,500.00

PROTECTION OF STATE LANDS

FROM THE GENERAL FUND

Salaries and wages, fifteen thousand one hundred ten dollars	$	15,110.00

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Operation, thirty-three thousand seven hundred five dollars ..... $ 33,705.00

Capital outlay, two thousand eight hundred ten dollars ..... $ 2,810.00

Repairs and replacements, two thousand four hundred fifty dollars ..... $ 2,450.00

Social security, four hundred dollars ..... $ 400.00

Inventory of forest resources, nine thousand dollars .. $ 9,000.00

TIMBER SALES

FROM THE GENERAL FUND

Salaries and wages, forty-three thousand seven hundred eighty dollars ..... $ 43,780.00

Operation, three thousand seven hundred dollars ..... $ 3,700.00

Capital outlay, one thousand dollars ..... $ 1,000.00

Social security, one thousand dollars ..... $ 1,000.00

In addition to the above appropriations, there is hereby appropriated all moneys received from the federal government or trust to be used for the purposes for which they were provided.

BOARD OF FORESTRY

FROM THE GENERAL FUND

Salaries and wages, one thousand eighty dollars ..... $ 1,080.00

Operation, three hundred ninety-five dollars ..... $ 395.00

Social security, twenty-five dollars ..... $ 25.00

RURAL FIRE FIGHTERS' SERVICE

FROM THE GENERAL FUND

Salaries and wages, four thousand eight hundred fifty dollars ..... $ 4,850.00

Operation, two thousand five hundred sixty-three dollars ..... $ 2,563.00

Capital outlay, one hundred dollars ..... $ 100.00

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Public employees' retirement system, one hundred eighty dollars ..... $ 180.00

Social security, one hundred ten dollars ..... $ 110.00

FROM THE KEEP MONTANA GREEN FUND

As much as may be necessary to pay all lawful claims, as provided by law.

VETERANS' WELFARE COMMISSION

FROM THE GENERAL FUND

Salaries and wages, one hundred twenty-five thousand dollars ..... $ 125,000.00

Operation, thirty-three thousand twenty dollars ..... $ 33,020.00

Public employees' retirement system, five thousand dollars ..... $ 5,000.00

Social security, two thousand eight hundred thirty dollars ..... $ 2,830.00

SOIL CONSERVATION COMMITTEE

FROM THE GENERAL FUND

Salaries and wages, eight thousand five hundred dollars ..... $ 8,500.00

Operation, four thousand two hundred dollars ..... $ 4,200.00

Public employees' retirement system, three hundred ten dollars ..... $ 310.00

Social security, two hundred dollars ..... $ 200.00

WATER CONSERVATION BOARD

FROM THE GENERAL FUND

For administrative salaries and expenses, fifty-eight thousand seven hundred fifty dollars ..... $ 58,750.00

For betterments and repairs to existing projects, extensions to existing projects and construction of new projects, three hundred seventy-five thousand dollars .. $ 375,000.00

Public employees' retirement system, seven thousand five hundred dollars ..... $ 7,500.00

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For salaries and expenses of the revolving fund, eighty thousand dollars ..... $ 80,000.00

For planning board, thirty-six thousand dollars ..... $ 36,000.00

For salary and expenses, Washington, D. C., representative, two thousand five hundred dollars ..... $ 2,500.00

In addition to the above appropriation, all monies paid or to be repaid the water conservation board from any source by reason of any previous expenditures made by said board from state funds, are hereby appropriated.

STATE EXAMINER

FROM THE GENERAL FUND

Salaries and wages, eighty thousand dollars ..... $ 80,000.00

Operation, thirty-four thousand dollars ..... $ 34,000.00

Repairs and replacements, five hundred dollars ..... $ 500.00

Capital outlay, one thousand two hundred fifty dollars ..... $ 1,250.00

Public employees' retirement system, three thousand dollars ..... $ 3,000.00

Social security, one thousand eight hundred dollars .. $ 1,800.00

STATE CONTROLLER

FROM THE GENERAL FUND

Salaries and wages, seventy thousand five hundred seventy dollars ..... $ 70,570.00

Maintenance and operation, thirty-seven thousand eight hundred eighty dollars ..... $ 37,880.00

Capital outlay, one hundred dollars ..... $ 100.00

Public employees' retirement system, three thousand seven hundred fifty dollars ..... $ 3,750.00

Social security, two thousand two hundred seventy-five dollars ..... $ 2,275.00

FROM THE MILLAGE FUND

Salaries and wages, nine thousand dollars ..... $ 9,000.00

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FROM THE HIGHWAY FUND

Salaries and wages, twenty-one thousand dollars .....$ 21,000.00

FROM THE FISH AND GAME FUND

Maintenance and operation, six thousand dollars .....$ 6,000.00

BUDGET INVESTIGATION

FROM THE GENERAL FUND

Salaries and expenses, sixteen thousand dollars .....$ 16,000.00

COMMODITY DISTRIBUTION DIVISION

FROM THE GENERAL FUND

Salaries and wages, twelve thousand eight hundred dollars .....$ 12,800.00

Maintenance and operation, one thousand dollars ....$ 1,000.00

FROM THE COMMODITY DISTRIBUTION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

CO-ORDINATOR OF INDIAN AFFAIRS

FROM THE GENERAL FUND

Salaries and wages, three thousand six hundred dollars .....$ 3,600.00

Maintenance and operation, one thousand five hundred twenty-five dollars .....$ 1,525.00

Repairs and replacements, fifty dollars .....$ 50.00

Public employees' retirement system, one hundred twenty dollars .....$ 120.00

Capital outlay, one hundred dollars .....$ 100.00

Social security, seventy-two dollars .....$ 72.00

OIL AND GAS CONSERVATION COMMISSION

FROM THE OIL AND GAS CONSERVATION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

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REGISTRAR OF MOTOR VEHICLES

FROM THE MOTOR VEHICLE RECORDING FUND

For salaries and expenses, as much thereof as may be necessary to pay all lawful claims, as provided by law.

ATHLETIC COMMISSION

FROM THE VETERANS' MEMORIAL FUND

For salaries and expenses, as much thereof as may be necessary to pay all lawful claims, as provided by law.

STATE AERONAUTICS' COMMISSION

FROM THE STATE AVIATION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

REGULATORY BOARDS

All regulatory boards for which the law provides for collection of fees, and such fees are deposited with the state treasurer, as trust funds, are hereby appropriated for the use of each of the said boards, a sum equal to the amount of their collections, except wherein the law provides for deductions.

ADJUSTED COMPENSATION DIVISION

FROM THE VETERANS' COMPENSATION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

FROM THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM FUND

As much as may be necessary to pay all lawful claims, as provided by law.

SOCIAL SECURITY DIVISION

FROM THE SOCIAL SECURITY DIVISION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

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TRANSPORTATION OF PRISONERS

FROM THE GENERAL FUND

For the purpose of paying the expenses of transporting prisoners, twenty thousand dollars .....$ 20,000.00

STATE HIGHWAY COMMISSION

FROM THE HIGHWAY FUND

There is hereby appropriated out of the state highway fund all revenue for expenditures by the state highway commission as provided by law; provided that the total cost to the state for administration of the federal aid work prescribed by law shall not exceed for any fiscal year eight per cent (8%) of the total of state and federal aid and other available funds expended under the supervision of the state highway commission as provided by initiative measure No. 31 and acts supplementary or amendatory thereto; provided further that the state treasurer is hereby required to transfer from the state highway fund to the state highway trust fund from time to time upon the request of the highway commission, subject to approval of the state board of examiners such parts of the money hereby appropriated as is necessary to match federal aid for construction and for reconstruction purposes, and when so transferred, said monies may be expended and drawn from the said state highway trust fund in the manner as other monies in said funds are expended.

In addition thereto, there is hereby appropriated all federal funds that may be made available for the highway purposes.

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in section 1 of this act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to monies from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Section 6. The appropriations herein provided for shall be held valid notwithstanding the provisions of the budget act.

Approved March 18, 1957.

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HOUSE BILL NO. 468

An Act to Appropriate Money for the Operation and Maintenance and for Other Purposes Designated Herein for the Several Units of the University of Montana, Known as Montana State University, Montana State College, Experiment Station and Substations, Extension Service, Montana School of Mines, Western Montana College of Education at Dillon, Eastern Montana College of Education at Billings, and Northern Montana College at Havre, and for Student Fare Refunds for the Period Beginning July 1, 1957, and Ending June 30, 1959.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital" unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital repairs and replacements, and operation, as defined above.

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(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than twenty days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year, except amounts encumbered by purchase order or obligated claims and not billed prior to the above date shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the Laws of Montana said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1957, and ending June 30, 1958.

MONTANA STATE UNIVERSITY AT MISSOULA

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, nine hundred twenty-five thousand five hundred and thirteen dollars ..... $ 925,513.00

For salaries and expenses, forest conservation experiment station, fifty-six thousand eight hundred and seventeen dollars ..... $ 56,817.00

For teachers' retirement system, as much as may be necessary, not exceeding fifty-eight thousand five hundred and thirty-nine dollars ..... $ 58,539.00

For public employees' retirement system, as much as may be necessary, not exceeding twenty-five thousand eight hundred and eighty-nine dollars ..... $ 25,889.00

For social security payments, as much as may be necessary, not exceeding thirty-nine thousand, three hundred and sixteen dollars ..... $ 39,316.00

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FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, four hundred forty-six thousand nine hundred and twenty-eight dollars ..... $ 446,928.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for the fiscal year, but the total of such fees and collections so deposited, in the excess of such $446,928.00 is hereby also appropriated for such purposes.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, one million eight hundred eighty thousand, three hundred ninety-nine dollars $1,880,399.00

In addition to the above appropriations, there is hereby appropriated from the general fund for equipment, repayment Missoula women's club building, steam mains and heating plant, including roof, fire mains, library lighting, chemistry roof, campus roads, three hundred thirty-four thousand seventy-eight dollars ..... $ 334,078.00

In addition to the foregoing appropriations, all earnings of the forest experiment station and all federal or trust funds received or to be received are hereby appropriated for the forest conservation experiment station.

There is hereby appropriated for the use and benefit of the state university all income from land grants, endowments, trust funds, and federal grants which may be received and in addition, all balances on hand to be used for the purposes for which funds were accumulated or given.

MONTANA STATE COLLEGE AT BOZEMAN

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, nine hundred eighty-five thousand, one hundred and seventy-six dollars ..... $ 985,176.00

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For salaries and expenses of the engineering experiment station, fifty thousand, one hundred eighty-four dollars ..... $ 50,184.00

For teachers' retirement system, as much as may be necessary, not exceeding fifty-eight thousand two hundred and two dollars ..... $ 58,202.00

For public employees retirement system, as much as may be necessary, not exceeding twenty-eight thousand seven hundred and thirty-eight dollars ..... $ 28,738.00

For social security payments, as much as may be necessary, not exceeding forty-four thousand, eight hundred twenty-two dollars ..... $ 44,822.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, four hundred fifty-five thousand, eighty-nine dollars ..... $ 455,089.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of $455,089.00 is hereby also appropriated for such purposes.

In addition to the foregoing appropriations, there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, one million nine hundred eighty-eight thousand, eighty-one dollars $1,988,081.00

In addition to the above appropriations, there is hereby appropriated from the general fund for moving and rebuilding dairy, beef, and livestock barns and sheds, 1000 H.P. boiler and pump, microfilming grades and fire resistant files, metal prefabricated or similar type structures for offices and laboratories, land to consolidate instruction program, paving and repairing campus streets, parking areas and sidewalks, three hundred fifty-four thousand, two hundred sixty-two dollars ..... $ 354,262.00

In addition to the foregoing appropriations there

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is hereby appropriated for the use of the Montana state college, all income from land grants, endowments, trust funds and federal funds which have been received or will be received for the purposes for which said funds were given.

MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, two hundred fourteen thousand, five hundred seventy-six dollars ..... $ 214,576.00

For teachers' retirement system, as much as may be necessary, not exceeding ten thousand, nine hundred and eighty-eight dollars ..... $ 10,988.00

For public employees' retirement system, as much as may be necessary, not exceeding seven thousand, fifty-two dollars ..... $ 7,052.00

For social security payments, as much as may be necesary, not exceeding eleven thousand, five hundred eighty-two dollars ..... $ 11,582.00

All monies collected by the experiment station and animal husbandry department shall be set aside in a special fund, from which fund there is hereby appropriated for the use of Montana agricultural experiment station so much thereof as may be necessary for the payment of salaries and expenses, including purchase of lands.

In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station, all federal funds and also all trust funds.

FROM THE GENERAL FUND

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, four hundred thirteen thousand, nine hundred and six dollars ..... $ 413,906.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for controlled climate growing rooms, greenhouse, land for agronomic research, dairy manufacturing and production laboratory equipment, ninety-five thousand, six hundred eighty-six dollars ..... $ 95,686.00

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EXPERIMENTAL SUBSTATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses for each of the following sub-stations and branches.

Central Montana branch station, twenty-eight thousand nine hundred and thirty-eight dollars ..... $ 28,938.00

Eastern branch station, thirty-two thousand, seven hundred and ninety-three dollars ..... $ 32,793.00

U. S. range livestock experiment station, thirty-two thousand, five hundred and sixty-nine dollars ..... $ 32,569.00

For teachers' retirement system, as much as may be necessary, not exceeding three thousand, two hundred and eighty-four dollars ..... $ 3,284.00

For public employees' retirement system, as much as may be necessary, not exceeding seven thousand, one hundred and forty-eight dollars ..... $ 7,148.00

For social security payments, as much as may be necessary, not exceeding six thousand, five hundred and ninety-three dollars ..... $ 6,593.00

FROM THE GENERAL FUND

Horticulture branch station, twenty thousand, four hundred ten dollars ..... $ 20,410.00

Northwestern Montana branch station, twenty-four thousand, eighty-seven dollars ..... $ 24,087.00

U. S. range livestock experiment station, one thousand, one hundred and thirty-three dollars ..... $ 1,133.00

Huntley branch station, forty-four thousand, eight hundred and forty-two dollars ..... $ 44,842.00

North Montana branch station, fifty-nine thousand, seven hundred and thirty-seven dollars ..... $ 59,737.00

Montana grain inspection laboratory, twenty thousand, eight hundred and twenty-seven dollars ..... $ 20,827.00

Montana wool laboratory, twenty-three thousand, two hundred dollars ..... $ 23,200.00

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In addition to the above appropriations, there is hereby appropriated from the general fund for crops research building, eastern branch station and crops research building, northwest branch station, twelve thousand, seven hundred dollars ..... $ 12,700.00

In addition to the above appropriations, all monies collected by the several branches and sub-stations shall be set aside, each in a trust fund and are hereby appropriated as much as may be necessary, for the purpose of paying salaries and expenses, including purchase of land.

In addition to the above appropriations, there is hereby appropriated all federal funds and trust funds that may be received for any of the sub-stations or branch stations.

AGRICULTURAL EXTENSION SERVICE OF MONTANA STATE COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred sixty-three thousand, six hundred and sixty-four dollars ..... $ 163,664.00

For teachers' retirement system, as much as may be necessary, not exceeding five hundred and eighty dollars $ 580.00

For public employees' retirement system, as much as may be necessary, not exceeding two thousand, six hundred and eight dollars ..... $ 2,608.00

For social security payments, as much as may be necessary, not exceeding one thousand, nine hundred and thirty-two dollars ..... $ 1,932.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, ten thousand dollars ..... $ 10.000.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such $10,000.00 is hereby also appropriated for such purposes.

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In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses to supplement appropriations from the university millage fund, two hundred eighty-seven thousand, seven hundred and eighty-four dollars .....$ 287,784.00

In addition to the above appropriations there is hereby also appropriated for the extension service all federal funds and all trust funds.

MONTANA SCHOOL OF MINES AT BUTTE

FROM THE UNIVERSITY MILLAGE FUND

For salary and expenses, one hundred twelve thousand, four hundred and sixty-two dollars .....$ 112,462.00

For teachers' retirement system, as much as may be necessary, not exceeding eight thousand, nine hundred eighty-four dollars .....$ 8,984.00

For public employees' retirement system, as much as may be necessary, not exceeding five thousand, one hundred and forty-seven dollars .....$ 5,147.00

For social security payments, as much as may be necessary, not exceeding six thousand, two hundred seventy-nine dollars .....$ 6,279.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, thirty-eight thousand, eight hundred dollars .....$ 38,800.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited in excess of such $38,800.00 is hereby also appropriated for such purposes.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, two hundred thirty-one thousand, three hundred and thirty dollars .....$ 231,330.00

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In addition to the above appropriations, there is hereby appropriated from the general fund for repairs to main building, sixty-one thousand, seven hundred dollars ..... $ 61,700.00

In addition to the above appropriations there is hereby appropriated for the school of mines all income from land grants, endowments, trust funds and all federal funds to be used for the purposes for which said funds were received.

BUREAU OF MINES AND GEOLOGY OF THE SCHOOL OF MINES

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, forty-three thousand, ninety-four dollars ..... $ 43,094.00

FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses to supplement appropriations from the university millage fund, seventy thousand, four hundred and eleven dollars ..... $ 70,411.00

WESTERN MONTANA COLLEGE OF EDUCATION AT DILLON

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred thirteen thousand, fifty-three dollars ..... $ 113,053.00

For teachers' retirement system, as much as may be necessary, not exceeding five thousand, seven hundred and ninety-six dollars ..... $ 5,796.00

For public employees' retirement system, as much as may be necessary, not exceeding three thousand, eight hundred and sixty-four dollars ..... $ 3,864.00

For social security payments, as much as may be necessary, not exceeding six thousand five hundred and sixty-eight dollars ..... $ 6,568.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is

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hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, thirty thousand, one hundred and twenty dollars .....$ 30,120.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of the fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such $30,-120.00 is hereby also appropriated for such purpose.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, two hundred sixteen thousand, four hundred forty dollars .....$ 216,440.00

In addition to the above appropriations there is hereby appropriated from the general fund for heating plant, wiring and roofing main building, thirty-five thousand, one hundred and ninety-eight dollars ..$ 35,198.00

In addition to the above appropriations there is hereby appropriated one-half (½) of all income from land grants for normal schools, all endowments and trust funds subject to all statutory provisions.

EASTERN MONTANA COLLEGE OF EDUCATION AT BILLINGS

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, two hundred eighty-eight thousand, one hundred seventeen dollars .....$ 288,117.00

For teachers' retirement system, as much as may be necessary, not exceeding fourteen thousand, eight hundred and seventy-six dollars .....$ 14,876.00

For public employees' retirement system, as much as may be necessary, not exceeding five thousand, five hundred and six dollars .....$ 5,506.00

For social security payments, as much as may be necessary, not exceeding eleven thousand, one hundred thirteen dollars .....$ 11,113.00

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FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, ninety-eight thousand and sixty-four dollars .....$ 98,064.00

provided, however, that no claims shall be paid from the appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such $98,064.00, is hereby also appropriated for such purposes.

In addition to the foregoing appropriation there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, five hundred forty-one thousand four hundred and forty-seven dollars .....$ 541,447.00

In addition to the above appropriations there is hereby appropriated from the general fund for construction and equipping faculty offices, typewriters for business department, repairing gymnasium floor, science, social science and business office equipment, library improvement, and books for library, sixty-five thousand, two hundred and eighty-six dollars .....$ 65,286.00

In addition to the above appropriation there is hereby appropriated one-half (½) of all income from land grants for normal schools, all endowments and trust funds subject to all statutory provisions.

NORTHERN MONTANA COLLEGE AT HAVRE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred fifty-three thousand, one hundred and seventy-four dollars .....$ 153,174.00

For teachers' retirement system, as much as may be necessary, not exceeding eight thousand, two hundred and thirty-five dollars .....$ 8,235.00

For public employees' retirement system, as much as may be necessary, not exceeding one thousand, eight hundred and forty dollars .....$ 1,840.00

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For social security payments, as much as may be necessary, not exceeding five thousand, five hundred thirty-five dollars ..... $ 5,535.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, sixty-nine thousand, one hundred and fifty-five dollars ..... $ 69,155.00

provided, however, that no claim shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such sixty-nine thousand, one hundred fifty-five dollars ($69,-155.00) is hereby also appropriated for such purposes.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, two hundred ninety thousand, six hundred and twenty-six dollars ..... $ 290,626.00

In addition to the foregoing appropriations there is hereby appropriated from the general fund for addition to west wing auto-mechanics building, part of west wing third floor Cowan hall, seats in armory-gymnasium, armory-gymnasium rental, vocational technical equipment, sixty thousand, three hundred and seventeen dollars ..... $ 60,317.00

In addition to each of the above appropriations, there is also hereby appropriated all trust funds and federal funds that may be received, to be used for the purposes to which they are given.

STUDENT TRAVEL REFUNDS

FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon any of the institutions of the university of Montana, two thousand dollars ..... $ 2,000.00

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Section 3. That the following sums or so much thereof as may be necessary, be, and the same are hereby appropriated out of money in the state treasury and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed for the period beginning July 1, 1958, and ending June 30, 1959.

MONTANA STATE UNIVERSITY AT MISSOULA

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one million twelve thousand, four hundred and sixteen dollars $1,012,416.00

For salaries and expenses for the forest conservation experiment station, sixty-five thousand, six hundred and seventy-four dollars ..... $ 65,674.00

For teachers' retirement system, as much as may be necessary, not exceeding sixty thousand, seven hundred and thirteen dollars ..... $ 60,713.00

For public employees' retirement system, as much as may be necessary, not exceeding twenty-seven thousand, one hundred and forty-four dollars ..... $ 27,144.00

For social security payments, as much as may be necessary, not exceeding forty-two thousand, three hundred eleven dollars ..... $ 42,311.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, four hundred seventy-two thousand, two hundred eleven dollars ..... $ 472,211.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such $472,211.00, is hereby also appropriated for such purposes.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from

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the university millage fund, one million, nine hundred forty-six thousand, four hundred and twenty-five dollars $1,946,425.00

In addition to the foregoing appropriations, all earnings of the forest experiment station and all federal and trust funds received or to be received are hereby appropriated to the forest conservation experiment station. There is hereby appropriated for the use and benefit of the state university all income from land grants, endowments, trust funds, and federal grants which may be received and in addition all balances on hand to be used for the purposes for which such funds were accumulated or given.

MONTANA STATE COLLEGE AT BOZEMAN

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one million, one hundred thirty-three thousand, nine hundred and forty dollars .. $1,133,940.00

For salaries and expenses of the engineering experiment station, forty-seven thousand, forty-four dollars .. $ 47,044.00

For teachers' retirement system, as much as may be necessary, not exceeding sixty-three thousand, nine hundred and ninety-seven dollars ..... $ 63,997.00

For public employees' retirement system, as much as may be necessary, not exceeding thirty thousand, six hundred and seventy dollars ..... $ 30,670.00

For social security payments, as much as may be necessary, not exceeding forty-nine thousand, eighteen dollars ..... $ 49,018.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, four hundred ninety-five thousand, seven hundred and forty dollars ..... $ 495,740.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund

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for that fiscal year, but the total of such fees and collections so deposited, in excess of such $495,740.00, is hereby also appropriated for such purposes.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, two million, one hundred forty-one thousand, seven hundred fifty-four dollars ..$2,141,754.00

In addition to the foregoing appropriations there is hereby appropriated for the use of the Montana state college, all income from land grants, endowments, trust funds and federal funds which have been received or will be received for the purposes for which said funds were given.

MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, two hundred twenty-seven thousand, seventy-five dollars .....$ 227,075.00

For teachers' retirement system, as much as may be necessary, not exceeding ten thousand, nine hundred eighty-eight dollars .....$ 10,988.00

For public employees' retirement system, as much as may be necessary, not exceeding seven thousand, one hundred and forty-eight dollars .....$ 7,148.00

For social security payments, as much as may be necessary, not exceeding eleven thousand, six hundred and ninety-four dollars .....$ 11,694.00

All monies collected by the experiment station and animal husbandry department shall be set aside in a special fund from which fund there is hereby appropriated for the use of the Montana agricultural experiment station so much thereof as may be necessary for the payment of salaries and expenses, including purchase of lands.

In addition to the above appropriations, there is hereby appropriated for the Montana agricultural experiment station all federal funds and also all trust funds.

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FROM THE GENERAL FUND

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, four hundred seventeen thousand, six hundred and seventy-four dollars ..$ 417,674.00

EXPERIMENTAL SUB-STATIONS OF THE MONTANA AGRICULTURAL EXPERIMENT STATION

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses for each of the following sub-stations and branches:

Central Montana branch station, thirty-one thousand, six hundred and ninety-one dollars .....$ 31,691.00

Eastern branch station, thirty-three thousand, three hundred and seventy-two dollars .....$ 33,372.00

Huntley branch station, forty-one thousand, nine hundred sixty-four dollars .....$ 41,964.00

For teachers' retirement system, as much as may be necessary, not exceeding three thousand, four hundred and seventy-eight dollars .....$ 3,478.00

For public employees' retirement system, as much as may be necessary, not exceeding seven thousand, three hundred and forty-one dollars .....$ 7,341.00

For social security payments, as much as may be necessary, not exceeding six thousand, five hundred and ninety-three dollars .....$ 6,593.00

FROM THE GENERAL FUND

In addition to the above appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, for the following sub-stations and branches:

U. S. range station, thirty-three thousand, seven hundred two dollars .....$ 33,702.00

Horticulture branch station, twenty thousand, nine hundred and eighty-nine dollars .....$ 20,989.00

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North Montana branch station, sixty-four thousand, seventy-five dollars ..... $ 64,075.00

Huntley branch station, three thousand, three hundred and sixty dollars ..... $ 3,360.00

Northwestern Montana branch station, twenty-seven thousand, eighty-two dollars ..... $ 27,082.00

Montana grain inspection laboratory, twenty-one thousand, four hundred eighty-four dollars ..... $ 21,484.00

Montana wool laboratory, twenty-five thousand four hundred and six dollars ..... $ 25,406.00

In addition to the above appropriations, all monies collected by the several branches and sub-stations shall be set aside, each in a trust fund and are hereby appropriated as much as may be necessary, for the purpose of paying salaries and expenses, including purchase of land.

In addition to the above appropriations, there is hereby appropriated all federal funds and trust funds that may be received for any of the sub-stations or branch stations.

AGRICULTURAL EXTENSION SERVICE OF THE MONTANA STATE COLLEGE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred eighty-three thousand, five hundred and forty-five dollars ..... $ 183,545.00

For teachers' retirement system, as much as may be necessary, not exceeding five hundred and eighty dollars ..... $ 580.00

For public employees' retirement system, as much as may be necessary, not exceeding two thousand, six hundred eight dollars ..... $ 2,608.00

For social security payments, as much as may be necessary, not exceeding one thousand, nine hundred thirty-two dollars ..... $ 1,932.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is

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hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, ten thousand dollars ..... $ 10,000.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such $10,000.00 is hereby also appropriated for such purposes.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, two hundred ninety-nine thousand, four hundred and fifty-two dollars ..... $ 299,452.00

In addition to the above appropriations there is hereby also appropriated for the extension service all federal funds and all trust funds.

MONTANA SCHOOL OF MINES AT BUTTE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred twenty-three thousand, nine hundred and seven dollars ..... $ 123,907.00

For teachers' retirement system, as much as may be necessary, not exceeding eight thousand, nine hundred and eighty-four dollars ..... $ 8,984.00

For public employees' retirement system, as much as may be necessary, not exceeding five thousand, one hundred and forty-six dollars ..... $ 5,146.00

For social security payments, as much as may be necessary, not exceeding six thousand, four hundred seventy-two dollars ..... $ 6,472.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses in lieu of fees and collections, forty thousand, six hundred dollars ..... $ 40,600.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate,

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the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited in excess of such $40,600.00 is hereby also appropriated for such purposes.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, two hundred thirty-six thousand, nine hundred and fifty-seven dollars .....$ 236,957.00

In addition to the above appropriations there is hereby appropriated for the school of mines all income from land grants, endowments, trust funds and all federal funds to be used for the purposes for which said funds were received.

BUREAU OF MINES AND GEOLOGY OF THE SCHOOL OF MINES

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, forty-eight thousand, one hundred and seventy dollars .....$ 48,170.00

FROM THE GENERAL FUND

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses to supplement appropriations from the university millage fund, seventy-nine thousand, eight hundred and twenty-five dollars .....$ 79,825.00

WESTERN MONTANA COLLEGE OF EDUCATION AT DILLON

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, one hundred twenty-eight thousand, six hundred and twenty-four dollars .....$ 128,624.00

For teachers' retirement system, as much as may be necessary not exceeding six thousand, seven hundred and sixty-two dollars .....$ 6,762.00

For public employees' retirement system, as much as may be necessary, not exceeding four thousand, eight hundred and thirty dollars .....$ 4,830.00

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For social security payments, as much as may be necessary, not exceeding eight thousand, three hundred seven dollars .....$ 8,307.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, thirty-five thousand, two hundred and forty dollars ..$ 35,240.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of the fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such $35,240.00, is here appropriated for such purposes.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, two hundred, thirty-five thousand, ninety-nine dollars .....$ 235,099.00

In addition to the above appropriations there is hereby appropriated one-half (½) of all income from land grants for normal schools, all endowments and trust funds; subject to all statutory provisions.

EASTERN MONTANA COLLEGE OF EDUCATION AT BILLINGS

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses, three hundred, thirty-seven thousand, eight hundred and seven dollars .....$ 337,807.00

For teachers' retirement system, as much as may be necessary, not exceeding fourteen thousand, eight hundred and seventy-six dollars .....$ 14,876.00

For public employees' retirement system, as much as may be necessary, not exceeding five thousand, five hundred and six dollars .....$ 5,506.00

For social security payments, as much as may be necessary, not exceeding eleven thousand, one hundred thirteen dollars .....$ 11,113.00

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FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for salaries and expenses, in lieu of fees and collections, one hundred thirty-three thousand, eight hundred and eighty-eight dollars ..... $ 133,888.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such $133,888.00 is hereby also appropriated for such purposes.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, five hundred, ninety-one thousand, seventy-one dollars ..... $ 591,071.00

In addition to the above appropriations, there is hereby appropriated one-half (½) of all income from land grants, all endowments and trust funds subject to all statutory provisions.

NORTHERN MONTANA COLLEGE AT HAVRE

FROM THE UNIVERSITY MILLAGE FUND

For salaries and expenses one hundred eighty-four thousand, seven hundred and thirty-five dollars ..... $ 184,735.00

For teachers' retirement system, as much as may be necessary, not exceeding eight thousand, four hundred and twenty-three dollars ..... $ 8,423.00

For public employees' retirement system, as much as may be necessary, not exceeding one thousand, nine hundred and seventeen dollars ..... $ 1,917.00

For social security payments, as much as may be necessary, not exceeding five thousand, six hundred and thirty-two dollars ..... $ 5,632.00

FROM THE GENERAL FUND

In addition to the above appropriations, there is hereby appropriated from the general fund for sal-

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aries and expenses, in lieu of fees and collections, seventy-eight thousand, one hundred and fifteen dollars .....$ 78,115.00

provided, however, that no claims shall be paid from this appropriation that would exceed, in the aggregate, the amount of fees and collections deposited with the state treasurer to the credit of the general fund for that fiscal year, but the total of such fees and collections so deposited, in excess of such $78,115.00, is hereby also appropriated for such purposes.

In addition to the foregoing appropriations there is hereby appropriated from the general fund for salaries and expenses, to supplement appropriations from the university millage fund, three hundred twenty-three thousand, forty-three dollars .....$ 323,043.00

In addition to the above appropriations, there is also appropriated all trust funds and federal funds that may be received, to be used for the purposes to which they are given.

STUDENT TRAVEL REFUNDS

FROM THE UNIVERSITY MILLAGE FUND

To equalize the traveling fare of students in attendance upon any of the institutions of the university of Montana, two thousand dollars .....$ 2,000.00

Section 4. The appropriation contained herein shall only be used for the purposes designated, nor shall they be interchangeable, and all appropriations provided herein are subject to the definitions appearing in section 1, of this act. In the event any institution, department, station or service or other division receives specific appropriations from sources other than the university millage fund, or the general fund, excepting trust funds governed by specific provisions of law, the money from such other sources shall be used to the extent lawfully available, before resorting to the appropriations from the university millage fund, or the general fund, but in no event shall they be used for the purposes other than that for which they were provided.

Section 5. The appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein said meetings

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are held outside the state of Montana, except by special permission of the state board of education obtained in advance.

Approved March 12, 1957.

HOUSE BILL NO. 469

An Act to Appropriate Money from This State's Account in the Unemployment Trust Fund on Deposit with the Secretary of the Treasury of the United States of America, Limited to the Amounts Paid into Said Fund Pursuant to Section 903 of the Social Security Act, as Amended, for the Purchase of Land Suitable for Construction of Employment Service Office Buildings for the Unemployment Compensation Commission of Montana, and for the Cost of Constructing such Local Employment Service Office Buildings and, Further, Limiting Expenditure of Such Funds to a Period not to Exceed Two Years from the Date of the Passage and Approval of This Act.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. There is hereby appropriated out of this state's account in the unemployment trust fund on deposit with the secretary of the treasury of the United States of America, the sum of $270,000.00, or so much thereof as may be necessary, to the unemployment compensation commission of Montana for the purpose of purchasing land suitable for construction of employment service office buildings in this state, and for the purpose of constructing employment service office buildings upon such land.

Section 2. That the amount appropriated hereby shall be further limited to the amount of money credited to this state's account in the unemployment trust fund by the secretary of the treasury of the United States of America, pursuant to section 903 of the social security act, as amended.

Section 3. The money hereby appropriated must be expended within a period not to exceed two years from the date of the passage and approval of this act.

Section 4. The appropriation herein provided shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 5. This act shall be in full force and effect from and after its passage and approval.

Approved March 13, 1957.

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HOUSE BILL NO. 470

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes as Designated Herein, for Certain State Departments and Offices for the Period Beginning July 1, 1957, and Ending June 30, 1959.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees, or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It does not mean wages or compensation paid in consideration of services rendered temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital" unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operation, as defined above.

(7) The term "expense" means any expense defined above with the exception of salaries.

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(8) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than twenty (20) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year, except amounts encumbered by purchase order or obligated claims and not billed prior to the above date shall revert to the funds from which they were appropriated.

(9) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

(10) The term "public employees' retirement system" means the state contributions to the public employees' retirement system and said money is to be used for that purpose and no other.

(11) The term "social security" means the state contributions to the social security fund and said money is to be used for that purpose and no other.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed for the period beginning July 1, 1957, and ending June 30, 1958.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

Salaries, thirty thousand five hundred dollars .....$	30,500.00
Capital, repairs and replacements, eight hundred fifty dollars .....$	850.00
Operation, six thousand one hundred fifty dollars ..$	6,150.00
Public employees' retirement system, three hundred fifty dollars .....$	350.00
Social security, four hundred twenty-five dollars ....$	425.00
Requisitions, ten thousand dollars .....$	10,000.00
Council of state governments, six hundred dollars ....$	600.00

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GOVERNOR'S MANSION

FROM THE GENERAL FUND

Salaries and expenses, six thousand five hundred dollars	$ 6,500.00
Capital, repairs and replacements, six thousand dollars	$ 6,000.00
Operation, two thousand four hundred fifteen dollars	$ 2,415.00

SECRETARY OF STATE

FROM THE GENERAL FUND

Salaries, forty-two thousand one hundred twenty dollars	$ 42,120.00
Capital, repairs and replacements, one thousand six hundred fifty dollars	$ 1,650.00
Operation, five thousand nine hundred twenty-five dollars	$ 5,925.00
Salaries and expenses for elections, amendments, initiative and referendum measures, two thousand nine hundred eighty dollars	$ 2,980.00
Public employees' retirement system, one thousand two hundred thirty-five dollars	$ 1,235.00
Social security, eight hundred fifty dollars	$ 850.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

Salaries, seventy-three thousand nine hundred dollars	$ 73,900.00
Capital, repairs and replacements, four thousand six hundred dollars	$ 4,600.00
Operation, fourteen thousand dollars	$ 14,000.00
Public employees' retirement system and social security, three thousand four hundred dollars	$ 3,400.00

FROM THE ESCHEATED ESTATES' FUND

Salary, administration, seven thousand dollars	$ 7,000.00

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Salary, others, four thousand two hundred dollars ..$ 4,200.00

Operation, four thousand dollars .....$ 4,000.00

Public employees' retirement system and social security, seven hundred dollars .....$ 700.00

There is hereby appropriated and this does hereby appropriate from the escheated estates fund for the period July 1, 1957, and ending July 1, 1959, the sum of thirty-four thousand dollars ($34,000.00) and no more or so much of that amount that may be needed to enforce the provisions of chapter 170, laws of 1953, Montana.

STATE TREASURER

FROM THE GENERAL FUND

Salaries, thirty-one thousand two hundred sixty dollars .....$ 31,260.00

Capital, repairs and replacements, one thousand three hundred ninety dollars .....$ 1,390.00

Operation, two thousand eight hundred sixty-one dollars .....$ 2,861.00

Public employees' retirement system and social security, one thousand seven hundred and ten dollars ..$ 1,710.00

STATE AUDITOR

AUDITOR'S DIVISION

FROM THE GENERAL FUND

Salaries, twenty-eight thousand seven hundred dollars .....$ 28,700.00

Capital, repairs and replacements, one thousand eight hundred dollars .....$ 1,800.00

Operation, nine thousand one hundred ninety dollars .....$ 9,190.00

Public employees' retirement system and social security, four thousand nine hundred seventy dollars ....$ 4,970.00

FROM THE HIGHWAY FUND

Salaries and operation, twelve thousand five hundred dollars .....$ 12,500.00

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FROM THE INCOME TAX WITHHOLDING FUND

Salaries and operation, seven thousand two hundred fifty dollars ..... $ 7,250.00

INSURANCE DEPARTMENT

FROM THE GENERAL FUND

Salaries, twenty-eight thousand two hundred dollars ..... $ 28,200.00

Capital, repairs and replacements, one hundred dollars ..... $ 100.00

Operation, five thousand dollars ..... $ 5,000.00

INSURANCE RATING

FROM THE GENERAL FUND

Salaries and expenses, seven thousand seven hundred dollars ..... $ 7,700.00

INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

Salaries, eight thousand dollars ..... $ 8,000.00

Operation, eight hundred dollars ..... $ 800.00

FIRE MARSHAL DIVISION

FROM THE GENERAL FUND

Salaries and expenses, sixteen thousand one hundred dollars ..... $ 16,100.00

Capital, repairs and replacements, one thousand five hundred dollars ..... $ 1,500.00

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the firemen's disability fund, as provided in section 11-1919 of the Revised Codes of Montana, 1947, an appropriation sufficient to meet the requirements as provided by law.

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RAILROAD COMMISSION

FROM THE GENERAL FUND

Salaries, one hundred two thousand dollars .....$ 102,000.00

Capital, repairs and replacements, two thousand dollars .....$ 2,000.00

Operation, thirty-one thousand four hundred thirty-five dollars .....$ 31,435.00

Public employees' retirement system and social security, four thousand seven hundred sixty dollars .....$ 4,760.00

For pleading interstate commerce commission and court expenses, three thousand dollars .....$ 3,000.00

All funds used from this appropriation for pleading interstate commerce commission cases must be substantiated by the interstate commerce commission case numbers including subject involved, and same must be submitted to the next legislative assembly in support of its next biennial budget request.

SUPERINTENDENT OF PUBLIC INSTRUCTION

ADMINISTRATION AND SUPERVISORS

FROM THE GENERAL FUND

Salaries, sixty-four thousand one hundred forty dollars .....$ 64,140.00

Capital, repairs and replacements, two thousand five hundred twenty dollars .....$ 2,520.00

Operation, seventeen thousand nine hundred fifteen dollars .....$ 17,915.00

Public employees' retirement system, teachers' retirement system and social security, three thousand two hundred twenty-five dollars .....$ 3,225.00

SUPERVISED CORRESPONDENCE SCHOOL

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries and expenses, forty-one thousand three hundred seventy dollars .....$ 41,370.00

Capital, repairs and replacements, six hundred twenty dollars .....$ 620.00

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Public employees' retirement system and teachers' retirement system and social security, one thousand eight hundred nine dollars ..... $ 1,809.00

SCHOOL LUNCH PROGRAM

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries and expenses, seventeen thousand one hundred eighty dollars ..... $ 17,180.00

Public employees' retirement system, teachers' retirement system and social security, eight hundred thirty-one dollars ..... $ 831.00

Operation, five thousand eight hundred sixty dollars ..... $ 5,860.00

Capital, repair and replacement, three hundred dollars ..... $ 300.00

There is hereby appropriated from the public school equalization fund the sum of eighteen thousand dollars ($18,000.00) for a revolving fund for the biennium to cover the handling charges of commodities to districts, to be reimbursed by such districts.

CERTIFICATION DEPARTMENT

FROM THE GENERAL FUND

Salaries and expenses, two thousand five hundred dollars ..... $ 2,500.00

FROM THE TEACHERS' CERTIFICATE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

TEXTBOOK LICENSE DIVISION

FROM THE TEXTBOOK LICENSE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

SUPREME COURT

FROM THE GENERAL FUND

Salaries, one hundred twenty-four thousand two hundred dollars ..... $ 124,200.00

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Capital, repairs and replacements, two thousand seven hundred twenty-five dollars ..... $ 2,725.00

Operation, seven thousand three hundred ten dollars ..... $ 7,310.00

Public employees' retirement system and social security, four thousand seven hundred dollars ..... $ 4,700.00

ATTORNEYS' LICENSING BOARD

FROM THE ATTORNEYS' LICENSING FUND

As much as may be necessary to pay all lawful claims, as provided by law.

Section 3. Any balances remaining in the revolving fund to cover the handling charges of commodities to districts, to be reimbursed by such districts under the school lunch program, shall revert to the public school equalization fund from which it was previously appropriated.

Section 4. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed for the period beginning July 1, 1958, and ending June 30, 1959.

GOVERNOR'S OFFICE

FROM THE GENERAL FUND

Salaries, thirty thousand five hundred dollars ..... $ 30,500.00

Capital, repairs and replacements, eight hundred fifty dollars ..... $ 850.00

Operation, six thousand one hundred fifty dollars .. $ 6,150.00

Public employees' retirement system, three hundred fifty dollars ..... $ 350.00

Social security, four hundred twenty-five dollars .... $ 425.00

Requisitions, ten thousand dollars ..... $ 10,000.00

Council of state government, six hundred dollars .... $ 600.00

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GOVERNOR'S MANSION

FROM THE GENERAL FUND

Salaries and expenses, six thousand five hundred dollars	$ 6,500.00
Operation, two thousand five hundred eighty dollars	$ 2,580.00

SECRETARY OF STATE

FROM THE GENERAL FUND

Salaries, forty-two thousand one hundred twenty dollars	$ 42,120.00
Capital, repairs and replacements, seven hundred dollars	$ 700.00
Operation, four thousand five hundred twenty dollars	$ 4,520.00
Salaries and expenses for elections, publishing amendments, initiative and referendum measures, twenty-one thousand six hundred twenty-five dollars	$ 21,625.00
Public employees' retirement system, one thousand two hundred thirty-five dollars	$ 1,235.00
Social security, eight hundred fifty dollars	$ 850.00

ATTORNEY GENERAL

FROM THE GENERAL FUND

Salaries, seventy-three thousand nine hundred dollars	$ 73,900.00
Capital, repairs and replacements, one thousand two hundred dollars	$ 1,200.00
Operation, ten thousand dollars	$ 10,000.00
Public employees' retirement system and social security, three thousand four hundred dollars	$ 3,400.00

FROM THE ESCHEATED ESTATES' FUND

Salary, administration, seven thousand dollars	$ 7,000.00
Salary, others, four thousand two hundred dollars	$ 4,200.00

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Operation, four thousand dollars ..... $ 4,000.00

Public employees' retirement system and social security, seven hundred dollars ..... $ 700.00

STATE TREASURER

FROM THE GENERAL FUND

Salaries, thirty-one thousand eight hundred sixty dollars ..... $ 31,860.00

Capital, repairs and replacements, seven hundred eighty-five dollars ..... $ 785.00

Operation, two thousand six hundred sixty-one dollars ..... $ 2,661.00

Public employees, retirement system and social security, one thousand seven hundred ten dollars ..... $ 1,710.00

STATE AUDITOR

AUDITOR'S DIVISION

FROM THE GENERAL FUND

Salaries, twenty-eight thousand seven hundred dollars ..... $ 28,700.00

Capital, repairs and replacements, one thousand fifty dollars ..... $ 1,050.00

Operation, nine thousand one hundred ninety dollars ..... $ 9,190.00

Public employees' retirement system and social security, four thousand nine hundred seventy dollars .... $ 4,970.00

FROM THE HIGHWAY FUND

Salaries and operation, twelve thousand five hundred dollars ..... $ 12,500.00

FROM THE INCOME TAX WITHHOLDING FUND

Salaries and operation, seven thousand two hundred fifty dollars ..... $ 7,250.00

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INSURANCE DEPARTMENT

FROM THE GENERAL FUND

Salaries, twenty-eight thousand two hundred dol-
dollars ..... $ 28,200.00

Capital, repairs and replacements, one hundred dol-
lars ..... $ 100.00

Operation, five thousand dollars ..... $ 5,000.00

INSURANCE RATING

FROM THE GENERAL FUND

Salaries and expenses, seven thousand seven hundred
dollars ..... $ 7,700.00

INVESTMENT COMMISSIONER

FROM THE GENERAL FUND

Salaries, eight thousand dollars ..... $ 8,000.00

Operation, eight hundred dollars ..... $ 800.00

FIRE MARSHAL DIVISION

FROM THE GENERAL FUND

Salaries and expenses, fifteen thousand nine hun-
dred dollars ..... $ 15,900.00

Capital, repairs and replacements, one thousand five
hundred dollars ..... $ 1,500.00

FROM THE FIREMEN'S DISABILITY FUND

For the payment of the distribution of the firemen's disability fund, as provided in section 11-1919 of the Revised Codes of Montana, 1947, an appropriation sufficient to meet the requirements as provided by law.

RAILROAD COMMISSION

FROM THE GENERAL FUND

Salaries, one hundred three thousand eight hun-
dred dollars ..... $ 103,800.00

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Capital, repairs and replacements, three hundred dollars ..... $ 300.00

Operation, thirty-one thousand four hundred thirty-five dollars ..... $ 31,435.00

Public employees' retirement system and social security, four thousand seven hundred sixty dollars .... $ 4,760.00

Pleading interstate commerce commission and court expense, three thousand dollars ..... $ 3,000.00

All funds used from this appropriation for pleading interstate commerce commission cases must be substantiated by the interstate commerce commission case numbers including subject involved, and same must be submitted to the next legislative assembly in support of its next biennial budget request.

SUPERINTENDENT OF PUBLIC INSTRUCTION

ADMINISTRATION AND SUPERVISORS

FROM THE GENERAL FUND

Salaries, sixty-four thousand one hundred forty dollars ..... $ 64,140.00

Capital, repairs and replacements, seven hundred thirty dollars ..... $ 730.00

Operation, seventeen thousand six hundred thirty-seven dollars ..... $ 17,637.00

Public employees' retirement system and teachers' retirement system and social security, three thousand two hundred twenty-five dollars ..... $ 3,225.00

SUPERVISED CORRESPONDENCE SCHOOL

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries and expenses, forty-one thousand eight hundred seventy dollars ..... $ 41,870.00

Capital, repairs and replacements, one hundred eighty-five dollars ..... $ 185.00

Public employees' retirement system, teachers' retirement system and social security, one thousand eight hundred nine dollars ..... $ 1,809.00

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SCHOOL LUNCH PROGRAM

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries and expenses, seventeen thousand one hundred eighty dollars ..... $ 17,180.00

Operation, five thousand eight hundred sixty dollars ..... $ 5,860.00

Capital, repairs and replacements, three hundred dollars ..... $ 300.00

Public employees' retirement system, teachers' retirement system and social security, eight hundred thirty-one dollars ..... $ 831.00

CERTIFICATION DEPARTMENT

FROM THE GENERAL FUND

Salaries and expenses, two thousand five hundred dollars ..... $ 2,500.00

FROM THE TEACHERS' CERTIFICATE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

TEXTBOOK LICENSE DIVISION

FROM THE TEXTBOOK LICENSE FUND

As much as may be necessary to pay all lawful claims, as provided by law.

SUPREME COURT

FROM THE GENERAL FUND

Salaries, one hundred twenty-four thousand two hundred dollars ..... $ 124,200.00

Capital, repairs and replacements, three hundred ten dollars ..... $ 310.00

Operations, four thousand six hundred ten dollars ..$ 4,610.00

Public employees' retirement system and social security, four thousand seven hundred dollars ..... $ 4,700.00

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ATTORNEYS' LICENSING BOARD

FROM ATTORNEYS' LICENSING FUND

As much as may be necessary to pay all lawful claims, as provided by law.

Section 5. It is further provided that all appropriations contained herein shall be used for the purposes designated and no other, and wherein appropriations are made for subdivisions, the appropriations given are not interchangeable between divisions, and the definitions given in section 1 of this act shall govern all appropriations.

Section 6. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on its minutes the reasons for its permission.

Approved March 15, 1957.

HOUSE BILL NO. 473

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Institutions, for the Period Beginning July 1, 1957, and Ending June 30, 1959.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or

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purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau, commission or institution to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expense, including salaries, capital, repairs, replacements and operation, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees' retirement system" means the state contribution to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The term "teachers' retirement system" means the state contribution to the teachers' retirement system and said money is to be used for that purpose and no other.

(10) The term "social security" means the state contributions to the social security fund and said money is to be used for that purpose and no other.

(11) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than twenty (20) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year, except amounts encumbered by purchase order or obligated claims and not billed prior to the above date shall revert to the funds from which they were appropriated.

(12) When reference is made herein to any chapter or

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section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

Section 2. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1957, and ending June 30, 1958.

SCHOOL FOR THE DEAF AND BLIND

FROM THE GENERAL FUND

Salary of the superintendent, seven thousand five hundred dollars	$ 7,500.00
Salaries and expenses, one hundred sixty-eight thousand five hundred dollars	$ 168,500.00
Public employees' retirement system, teachers' retirement system and social security, nine thousand dollars	$ 9,000.00
Land purchase, three thousand dollars	$ 3,000.00

In addition to the above appropriation, there is hereby appropriated all income from land grants and any trust funds which may be received, subject to statutory provisions and obligations of any outstanding bond issues.

STATE ORPHANS' HOME

FROM THE GENERAL FUND

Salary of the superintendent, five thousand five hundred dollars	$ 5,500.00
Other salaries and expenses, two hundred seventy-six thousand dollars	$ 276,000.00
Public employees' retirement system, teachers' retirement system and social security, nine thousand four hundred eighty dollars	$ 9,480.00
New dining hall, kitchen and furnishings, three hundred thousand dollars	$ 300,000.00
Four (4) fire escapes and fireproof doors, six thousand dollars	$ 6,000.00

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Rewire all cottages, twelve thousand five hundred dollars ..... $ 12,500.00

Sewage disposal plant, twenty thousand dollars $20,000.00

In addition to the above appropriations, all trust funds are hereby appropriated for the purposes for which said funds are received.

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

Salary of the superintendent, five thousand five hundred dollars ..... $ 5,500.00

Salaries and expenses, one hundred fifty-nine thousand nine hundred seven dollars ..... $ 159,907.00

Public employees' retirement system, teachers' retirement system, and social security, four thousand four hundred fifty dollars ..... $ 4,450.00

Capital items:

For a maximum security building and furniture and fixtures, fifty thousand dollars ..... $ 50,000.00

Four (4) fire escapes Kennedy and Adair Hall, eight thousand dollars ..... $ 8,000.00

In addition to the above appropriations, all trust funds which may be received by the institution are hereby appropriated.

STATE SOLDIERS' HOME

FROM THE GENERAL FUND

Salary of the commandant, four thousand six hundred dollars ..... $ 4,600.00

Salaries and expenses, fifty-seven thousand seven hundred ninety-eight dollars ..... $ 57,798.00

Public employees' retirement system and social security, two thousand six hundred dollars ..... $ 2,600.00

In addition to the above appropriations, all monies received from federal assistance and income from land grants are hereby appropriated subject to all statutory provisions.

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STATE TRAINING SCHOOL

FROM THE GENERAL FUND

Salary of the superintendent, nine thousand dollars ..$ 9,000.00

Salaries and expenses, seven hundred twenty-two thousand dollars .....$ 722,000.00

Public employees' retirement system, teachers' retirement system and social security, twenty-five thousand five hundred thirty dollars .....$ 25,530.00

In addition all trust funds are hereby appropriated subject to all statutory provisions.

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

Salary of the superintendent, twelve thousand dollars .....$ 12,000.00

Salaries and expenses, one million one thousand dollars $1,001,000.00

Public employees' retirement system and social security, forty thousand dollars .....$ 40.000.00

In addition, all trust funds are hereby appropriated subject to all statutory provisions.

STATE PRISON

FROM THE GENERAL FUND

Salary of the warden, seven thousand five hundred dollars .....$ 7,500.00

Salaries and expenses, five hundred seventy-four thousand six hundred seventy-two dollars .....$ 574,672.00

Public employees' retirement system and social security, fifteen thousand dollars .....$ 15,000.00

Security entrance, five thousand dollars .....$ 5,000.00

In addition to the above appropriations, there is hereby reappropriated all unencumbered balances remaining in funds 668-15 and 668-16 at the end of the fiscal year June 30, 1957.

In addition to the above, all trust funds which may be received are hereby appropriated.

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STATE GARMENT FACTORY

FROM THE GENERAL FUND

Salaries and expenses, nine thousand dollars .....$ 9,000.00

LICENSE PLATE FACTORY

FROM THE MOTOR RECORDING FUND

Salaries and expenses, as much as may be necessary to pay lawful claims in the making of license plates, is hereby appropriated.

BUREAU OF IDENTIFICATION

FROM THE GENERAL FUND

Salaries and expenses, sixteen thousand five hundred dollars .....$ 16,500.00

Public employees' retirement system and social security, seven hundred seventy dollars .....$ 770.00

HOME FOR SENILE MEN AND WOMEN

FROM THE GENERAL FUND

Salary of superintendent, five thousand dollars .....$ 5,000.00

Salaries and expenses, one hundred twenty-four thousand four hundred eighty-eight dollars .....$ 124,488.00

Public employees' retirement system and social security, five thousand dollars .....$ 5,000.00

In addition to the above appropriations, there is hereby appropriated all monies which have been received or will be received for the purposes for which said funds were given.

STATE HOSPITAL

FROM THE GENERAL FUND

Salary of the superintendent, eleven thousand dollars .....$ 11,000.00

Salaries and expenses, two million two hundred seventy-five thousand dollars $2,275,000.00

Public employees' retirement system and social security, eighty-seven thousand six hundred eighty dollars ..$ 87,680.00

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MENTAL HYGIENE DIVISION

FROM THE GENERAL FUND

Salaries and expenses, eighty-two thousand fifty-five dollars ..... $ 82,055.00

Public employees' retirement system and social security, three thousand eight hundred five dollars ..... $ 3,805.00

In addition to the above appropriations, all trust funds and all monies received from federal assistance are hereby appropriated subject to all statutory provisions.

STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

Salary of the superintendent, seven thousand, five hundred dollars ..... $ 7,500.00

Salaries and expenses, two hundred ninety-seven thousand two hundred dollars ..... $ 297,200.00

Public employees' retirement system, teachers' retirement system and social security, ten thousand four hundred dollars ..... $ 10,400.00

Capital items:

Tile drain, twelve thousand dollars ..... $ 12,000.00

Boys' cottage and furnishings, one hundred eighty thousand dollars ..... $ 180,000.00

Dean's residence, fifteen thousand dollars ..... $ 15,000.00

Miscellaneous items, forty thousand dollars ..... $ 40,000.00

In addition to the above appropriation, there is hereby appropriated all income from land grants and any trust funds which may be received, subject to statutory provisions and obligations of any outstanding bond issues.

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1958, and ending June 30, 1959.

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SCHOOL FOR THE DEAF AND BLIND

FROM THE GENERAL FUND

Salary of the superintendent, seven thousand five hundred dollars ..... $ 7,500.00

Salaries and expenses, one hundred sixty eight thousand five hundred dollars ..... $ 168,500.00

Public employees' retirement system, teachers' retirement system and social security, nine thousand dollars ..... $ 9,000.00

In addition to the above appropriation, there is hereby appropriated all income from land grants and any trust funds which may be received subject to statutory provisions and obligations of any outstanding bond issues.

STATE ORPHANS' HOME

FROM THE GENERAL FUND

Salary of the superintendent, five thousand five hundred dollars ..... $ 5,500.00

Other salaries and expenses, two hundred fifty-one thousand dollars ..... $ 251,000.00

Public employees' retirement system, teachers' retirement system and social security, nine thousand four hundred eighty dollars ..... $ 9,480.00

In addition to the above appropriations all trust funds are hereby appropriated for the purposes for which said funds are received.

STATE VOCATIONAL SCHOOL FOR GIRLS

FROM THE GENERAL FUND

Salary of the superintendent, five thousand five hundred dollars ..... $ 5,500.00

Salaries and expenses, one hundred forty-four thousand seven hundred forty seven dollars ..... $ 144,747.00

Public employees' retirement system, teachers' retirement system and social security, four thousand four hundred fifty dollars ..... $ 4,450.00

In addition to the above appropriations, all trust funds which may be received by the institution are hereby appropriated.

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STATE SOLDIERS' HOME

FROM THE GENERAL FUND

Salary of the commandant, four thousand six hundred dollars ..... $ 4,600.00

Salaries and expenses, fifty-seven thousand seven hundred ninety-eight dollars ..... $ 57,798.00

Public employees' retirement system, and social security, two thousand seven hundred dollars ..... $ 2,700.00

In addition to the above appropriations, all monies received from federal assistance and income from land grants are hereby appropriated subject to all statutory provisions,

STATE TRAINING SCHOOL

FROM THE GENERAL FUND

Salary of the superintendent, nine thousand dollars .. $ 9,000.00

Salaries and expenses, seven hundred forty-five thousand dollars ..... $ 745,000.00

Public employees' retirement system, teachers' retirement system and social security, twenty five thousand five hundred thirty dollars ..... $ 25,530.00

In addition, all trust funds are hereby appropriated subject to all statutory provisions,

STATE TUBERCULOSIS SANITARIUM

FROM THE GENERAL FUND

Salary of the superintendent, twelve thousand dollars ..... $ 12,000.00

Salaries and expenses, one million forty-six thousand five hundred dollars $1,046,500.00

Public employees' retirement system and social security forty-five thousand dollars ..... $ 45,000.00

In addition, all trust funds are hereby appropriated subject to all statutory provisions.

STATE PRISON

FROM THE GENERAL FUND

Salary of the warden, seven thousand five hundred dollars ..... $ 7,500.00

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Salaries and expenses, five hundred seventy-two thousand four hundred two dollars .....$ 572,402.00

Public employees' retirement system and social security, sixteen thousand four hundred dollars .....$ 16,400.00

In addition to the above, all trust funds which may be received are hereby appropriated.

STATE GARMENT FACTORY

FROM THE GENERAL FUND

Salaries and expenses nine thousand dollars .....$ 9,000.00

LICENSE PLATE FACTORY

FROM THE MOTOR RECORDING FUND

For salaries and expenses, as much as may be necessary to pay lawful claims in the making of license plates, is hereby appropriated.

BUREAU OF IDENTIFICATION

FROM THE GENERAL FUND

Salaries and expenses, sixteen thousand five hundred dollars .....$ 16,500.00

Public employees' retirement system and social security, seven hundred seventy dollars .....$ 770.00

HOME FOR SENILE MEN AND WOMEN

FROM THE GENERAL FUND

Salary of the superintendent, five thousand dollars ..$ 5,000.00

Salaries and expenses, one hundred twenty-two thousand nine hundred eighty-eight dollars .....$ 122,988.00

Public employees' retirement system and social security, five thousand dollars .....$ 5,000.00

In addition to the above appropriations, there is hereby appropriated all monies which have been received or will be received for the purposes for which said funds were given.

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STATE HOSPITAL

FROM THE GENERAL FUND

Salary of the superintendent, eleven thousand dollars ..... $ 11,000.00

Salaries and expenses, two million two hundred seventy-five thousand dollars $2,275,000.00

Public employees' retirement system and social security, eighty-seven thousand six hundred eighty dollars .. $ 87,680.00

MENTAL HYGIENE DIVISION

FROM THE GENERAL FUND

Salaries and expenses, eighty-two thousand fifty-five dollars ..... $ 82,055.00

Public employees' retirement system and social security, three thousand eight hundred five dollars ..... $ 3,805.00

In addition to the above appropriations, all trust funds and all monies received from federal assistance are hereby appropriated subject to all statutory provisions.

STATE INDUSTRIAL SCHOOL

FROM THE GENERAL FUND

Salary of the superintendent, seven thousand five hundred dollars ..... $ 7,500.00

Salaries and expenses, three hundred thirteen thousand two hundred dollars ..... $ 313,200.00

Public employees' retirement system, teachers' retirement system and social security, ten thousand nine hundred dollars ..... $ 10,900.00

In addition to the above appropriations, all income from land grants and trust funds, which may be received is hereby appropriated subject to all statutory provisions and obligations of any outstanding bond issue.

Section 4. Provided, further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in section 1 of this act shall govern all appropriations.

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Section 5. Appropriations contained herein shall not be used for travel to conventions, teachers' meetings, association meetings or gatherings of like character, wherein the said meetings are held outside of the State of Montana, except by special permission of the state board of examiners who may deem it necessary for attendance on such meetings. The state board of examiners shall spread on its minutes the reasons for its permission.

Section 6. It is further provided that wherein institutions have appropriations from funds other than the general fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used, when available, before using the appropriations from the general fund.

Approved March 18, 1957.

HOUSE BILL NO. 475

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus and Commissions, for the Period Beginning July 1, 1957, and Ending June 30, 1959.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

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(4) The term "replacement" means the amount to be paid for the replacing of any capital asset as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau or commission to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operations, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

(8) The term "public employees' retirement system" means the state contributions to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than twenty (20) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year, except amounts encumbered by purchase order or obligated claims and not billed prior to the above date shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

(11) The term "social security" means the state contributions to the social security fund and said money is to be used for that purpose and no other.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1957, and ending June 30, 1958.

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FISH AND GAME COMMISSION

FROM THE FISH AND GAME FUND

As much as may be necessary to pay all lawful claims, as provided by law.

In addition thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

UNEMPLOYMENT COMPENSATION COMMISSION

FROM THE GENERAL FUND

For the administrative salaries and expenses and for implementing the purpose of section 11-B of the Montana unemployment compensation law in opposing federalization, one thousand dollars ..... $ 1,000.00

FROM THE UNEMPLOYMENT COMPENSATION BENEFIT FUND

So much thereof as may be necessary to comply with the provisions of the law.

FROM THE MONTANA CASH SICK AND DISABILITY FUND

So much thereof as may be necessary to comply with the provisions of the law.

FROM THE JOINT MERIT SYSTEM FUND

So much there of as may be necessary to comply with the provisions of the law.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

FROM THE GENERAL FUND

Salaries and expenses, three hundred fifty dollars .... $ 350.00

DEPARTMENT OF LABOR AND INDUSTRY

FROM THE GENERAL FUND

Salaries and wages, ten thousand eight hundred dollars ..... $ 10,800.00

Operation, three thousand five hundred dollars ..... $ 3,500.00

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Repairs and replacements, one hundred sixty dollars $ 160.00

Public employees' retirement system, four hundred fifteen dollars ....$ 415.00

Social security, two hundred twenty dollars ....$ 220.00

LIVESTOCK COMMISSION

FROM THE LIVESTOCK COMMISSION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE GENERAL FUND

Noxious rodent control, twenty thousand dollars ....$ 20,000.00

FROM THE BOUNTY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE STOCK ESTRAY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE RODENT CONTROL FUND

As much as may be necessary to pay all lawful claims, as provided by law.

COUNTY ATTORNEYS

FROM THE GENERAL FUND

Salaries and wages, eighty-four thousand dollars ....$ 84,000.00

Public employees' retirement system, one thousand five hundred dollars ....$ 1,500.00

Social security, one thousand eight hundred fifty dollars ....$ 1,850.00

CHARLES M. RUSSELL MEMORIAL COMMISSION

FROM THE CHARLES M. RUSSELL MEMORIAL FUND

As much as may be necessary to pay all lawful claims, as provided by law.

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ADJUTANT GENERAL

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, forty-seven thousand nine hundred ninety-five dollars	$	47,995.00
Operation, one hundred thirteen thousand one hundred four dollars	$	113,104.00
Repairs and replacements, one thousand eight hundred forty-five dollars	$	1,845.00
Capital outlay, two thousand four hundred fifty dollars	$	2,450.00
Public employees' retirement system, two thousand one hundred twenty dollars	$	2,120.00
Social Security, two thousand one hundred seventy dollars	$	2,170.00

ARMORIES DIVISION

FROM THE GENERAL FUND

Salaries and wages, ten thousand four hundred dollars	$	10,400.00
Operation, twenty-five thousand four hundred thirty dollars	$	25,430.00
Repairs and replacements, fifteen thousand five hundred fifty dollars	$	15,550.00
Capital outlay, seven thousand dollars	$	7,000.00
Public employees' retirement system, three hundred forty-four dollars	$	344.00
Social security, two hundred twenty-nine dollars	$	229.00

FROM THE ARMORY PHYSICAL PLANT FUND

As much as may be necessary to pay all lawful claims, as provided by law.

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COMMISSIONER OF LANDS AND INVESTMENTS

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, forty-five thousand five hundred eighty dollars	$	45,580.00
Operation, nine thousand dollars	$	9,000.00
Repairs and replacements, two hundred dollars	$	200.00
Capital outlay, five hundred dollars	$	500.00
Public employees' retirement system, one thousand seven hundred ten dollars	$	1,710.00
Social security, one thousand twenty-five dollars	$	1,025.00

FROM THE LAND SALES' PETTY CASH FUND

As much as may be necessary to pay all lawful claims, as provided by law.

CHIEF FIELD AGENT

FROM THE GENERAL FUND

Salaries and wages, thirty-eight thousand eighty dollars	$	38,080.00
Operation, twenty four thousand nine hundred twelve dollars	$	24,912.00
Repairs and replacements, seventy-five dollars	$	75.00
Capital outlay, three hundred dollars	$	300.00
Public employees' retirement system, one thousand three hundred dollars	$	1,300.00
Social security, nine hundred dollars	$	900.00

BOARD OF PARDONS

FROM THE GENERAL FUND

Per diem of board members, two thousand one hundred dollars	$	2,100.00
Salary of director, seven thousand dollars	$	7,000.00

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Salaries office employees, five thousand seven hundred dollars ..... $ 5,700.00

For office expenses, three thousand dollars ..... $ 3,000.00

Probation and parole salaries, nineteen thousand two hundred dollars ..... $ 19,200.00

Board, probation and parole travel, fifteen thousand dollars ..... $ 15,000.00

Public employees' retirement system, one thousand one hundred seventy-eight dollars ..... $ 1,178.00

Social security, seven hundred twenty dollars ..... $ 720.00

Capital outlay, three hundred dollars ..... $ 300.00

LIVESTOCK SANITARY BOARD

FROM THE GENERAL FUND

Salaries and expenses, two hundred five thousand dollars ..... $ 205,000.00

Public employees' retirement system, four thousand eight hundred dollars ..... $ 4,800.00

Social security, five thousand six hundred dollars .... $ 5,600.00

Poultry disease control salaries, five thousand dollars ..... $ 5,000.00

Brucellosis control salaries, twenty-five thousand dollars ..... $ 25,000.00

Slaughter inspection of meat, five thousand dollars .. $ 5,000.00

FROM THE LIVESTOCK SANITARY BOARD FUND

For the payment of slaughtered stock as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

FROM THE LIVESTOCK SANITARY BOARD EMERGENCY FUND

For the payment of emergencies arising out of the operation of the livestock sanitary board, as much as may be required when such emergency is declared to exist as provided in section 84-5211 Revised Codes of Montana, 1947.

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INDUSTRIAL ACCIDENT BOARD

FROM THE INDUSTRIAL ACCIDENT ADMINISTRATIVE FUND

There is hereby appropriated all fees and collections accruing to the industrial accident administrative fund for salaries and expenses, as may be necessary to carry out the provisions of this act; not exceeding the sum of three hundred forty thousand dollars .....$ 340,000.00

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay all lawful claims, as provided by law.

FROM THE INDUSTRIAL ACCIDENT SECOND INJURY FUND

So much thereof as may be necessary to pay all lawful claims, as provided by law.

FROM THE VOLUNTEER FIREMEN'S COMPENSATION FUND

So much thereof as may be necessary to pay all lawful claims as provided by law.

MONTANA TRADE COMMISSION

FROM THE GENERAL FUND

For operation, one hundred dollars .....$ 100.00

FIRE INSURANCE ON STATE PROPERTY

FROM THE GENERAL FUND

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, one hundred eighty-six thousand dollars .....$ 186,000.00

FROM THE MILLAGE FUND

As much as may be necessary for insurance on buildings or institutions for the greater university of Montana, two hundred forty-three thousand dollars .....$ 243,000.00

FROM THE HIGHWAY FUND

For premiums on insurance for the highway department, twenty-two thousand dollars .....$ 22,000.00

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FROM THE MOTOR VEHICLE FUND

For premiums on insurance for the motor vehicle department, nine hundred dollars ..... $ 900.00

DEPARTMENT OF AGRICULTURE

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, twenty-four thousand one hundred dollars ..... $ 24,100.00

Capital outlay, six hundred dollars ..... $ 600.00

Repairs and replacements, four hundred dollars ..... $ 400.00

Operation, eleven thousand dollars ..... $ 11,000.00

Public employees' retirement system, eleven thousand two hundred dollars ..... $ 11,200.00

Social security, five hundred fifty dollars ..... $ 550.00

DAIRY DIVISION

FROM THE GENERAL FUND

Salaries and wages, twenty-nine thousand seven hundred dollars ..... $ 29,700.00

Capital outlay, two hundred fifty dollars ..... $ 250.00

Repairs and replacements, two hundred fifty dollars .. $ 250.00

Operation, twelve thousand seven hundred dollars .... $ 12,700.00

Social security, seven hundred dollars ..... $ 700.00

RUST CONTROL DIVISION

FROM THE GENERAL FUND

Salaries and expenses, two thousand five hundred dollars ..... $ 2,500.00

GRAIN STANDARDS AND MARKETING DIVISION

FROM THE GENERAL FUND

Salaries and wages, thirty-five thousand dollars ..... $ 35,000.00

Operation ten thousand dollars ..... $ 10,000.00

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FROM THE GRAIN SERVICES REVOLVING FUND

In addition to the above appropriations, there is hereby appropriated as much as may be necessary to pay all lawful claims, as provided by law.

HORTICULTURE DIVISION

FROM THE GENERAL FUND

Salaries and wages, one hundred three thousand two hundred dollars	$ 103,200.00
Capital outlay, five hundred dollars	$ 500.00
Operation, twenty-nine thousand five hundred dollars	$ 29,500.00
Social security, two thousand four hundred dollars	$ 2,400.00

FROM THE HIGHWAY FUND

Maintenance and operation, six thousand three hundred dollars	$ 6,300.00

WEIGHTS AND MEASURES' DIVISION

FROM THE GENERAL FUND

Salaries and wages, thirty-two thousand dollars	$ 32,000.00
Operation, twenty-two thousand four hundred twenty dollars	$ 22,420.00
Capital outlay, four thousand eight hundred dollars	$ 4,800.00
Repairs and replacements, two thousand five hundred dollars	$ 2,500.00
Social security, seven hundred eighty dollars	$ 780.00

SPECIAL REVOLVING FUND

All monies collected by the weights and measures division for special inspections in testing or re-testing of weights and measures shall be credited to a special fund which fund shall be used to defray the expenses of such inspections.

AGRICULTURAL STATISTICS' DIVISION

FROM THE GENERAL FUND

Salaries and expenses, ten thousand two hundred twenty dollars	$ 10,220.00

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REAL ESTATE DIVISION

FROM THE GENERAL FUND

For salaries and operation, ten thousand dollars .....$ 10,000.00

COMMERCIAL FERTILIZER DIVISION

FROM THE GENERAL FUND

For salaries and operation, one thousand dollars .....$ 1,000.00

FROM THE COMMERCIAL FERTILIZER FUND

As much as may be necessary to carry out the provisions of the law under which this fund was established.

COMMERCIAL FEED DIVISION

FROM THE COMMERCIAL FEED FUND

As much as may be necessary to carry out the provisions of the law under which this fund was established.

DEPARTMENT OF AGRICULTURE

GRASSHOPPER AND MORMON CRICKET CONTROL

There is hereby created a grasshopper and mormon cricket control committee composed of the commissioner of agriculture, the state entomologist, and the director of the extension service. The commissioner of agricultulture shall be the chairman of the committee and shall be charged with administration of all funds made available for the grasshopper and mormon cricket control program.

FROM THE GENERAL FUND

Administration, five thousand dollars .....$ 5,000.00

Operation, one hundred thousand dollars .....$ 100,000.00

STATE PARKS DIVISION

FROM THE GENERAL FUND

Salaries and wages, eight thousand dollars .....$ 8,000.00

Capital outlay, three thousand dollars .....$ 3,000.00

Maintenance and operation, five thousand dollars .....$ 5,000.00

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Repairs and replacements, two thousand six hundred fifty dollars	$	2,650.00
Park improvements, forty thousand dollars	$	40,000.00
Public employees' retirement system, one thousand dollars	$	1,000.00
Social security, three hundred fifty dollars	$	350.00

FROM THE STATE PARKS' FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE CONCESSIONERS' FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE CANYON FERRY PARK FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE FEDERAL TAX FUND

As much as may be necessary to pay all lawful claims, as provided by law.

Section 3. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1958, and ending June 30, 1959.

FISH AND GAME COMMISSION

FROM THE FISH AND GAME FUND

As much as may be necessary to pay all lawful claims, as provided by law.

In addition thereto, there is hereby appropriated all federal funds which may be received for the use of the fish and game commission.

UNEMPLOYMENT COMPENSATION COMMISSION

FROM THE GENERAL FUND

For administrative salaries and expenses and for

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implementing the purpose of section 11-B of the Montana unemployment compensation law in opposing federalization, one thousand dollars .....$ 1,000.00

FROM THE UNEMPLOYMENT COMPENSATION BENEFIT FUND

So much thereof as may be necessary to comply with the provisions of the law.

FROM THE MONTANA CASH SICK AND DISABILITY FUND

So much thereof as may be necessary to comply with the provisions of the law.

FROM THE JOINT MERIT SYSTEM FUND

So much thereof as may be necessary to comply with the provisions of the law.

BOARD OF EXAMINERS FOR COAL MINE INSPECTORS

FROM THE GENERAL FUND

Salaries and expenses, three hundred fifty dollars ....$ 350.00

DEPARTMENT OF LABOR AND INDUSTRY

FROM THE GENERAL FUND

Salaries and wages, ten thousand eight hundred dollars .....$ 10,800.00

Operation, three thousand five hundred dollars .....$ 3,500.00

Repairs and replacements, one hundred sixty dollars $ 160.00

Public employees' retirement system, four hundred fifteen dollars .....$ 415.00

Social security, two hundred twenty dollars .....$ 220.00

LIVESTOCK COMMISSION

FROM THE LIVESTOCK COMMISSION FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE GENERAL FUND

Noxious rodent control, twenty thousand dollars .....$ 20,000.00

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FROM THE BOUNTY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE STOCK ESTRAY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE RODENT CONTROL FUND

As much as may be necessary to pay all lawful claims, as provided by law.

COUNTY ATTORNEYS

FROM THE GENERAL FUND

Salaries and wages, eighty-four thousand dollars .....$ 84,000.00

Public employees' retirement system, one thousand five hundred dollars .....$ 1,500.00

Social security, one thousand eight hundred fifty dollars .....$ 1,850.00

CHARLES M. RUSSELL MEMORIAL COMMISSION

FROM THE CHARLES M. RUSSELL MEMORIAL FUND

As much as may be necessary to pay all lawful claims, as provided by law.

ADJUTANT GENERAL

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, forty-nine thousand one hundred five dollars .....$ 49,105.00

Operation, one hundred fifteen thousand two hundred sixty dollars .....$ 115,260.00

Repairs and replacements, two thousand seventy dollars .....$ 2,070.00

Capital outlay, one thousand seven hundred fifty dollars .....$ 1,750.00

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Public employees' retirement system, two thousand one hundred twenty dollars ..... $ 2,120.00

Social security, two thousand two hundred dollars .... $ 2,200.00

ARMORIES DIVISION

FROM THE GENERAL FUND

Salaries and wages, ten thousand seven hundred sixty dollars ..... $ 10,760.00

Operation, twenty-five thousand four hundred thirty-three dollars ..... $ 25,433.00

Repairs and replacements, ten thousand five hundred fifty dollars ..... $ 10,550.00

Capital outlay, four thousand dollars ..... $ 4,000.00

Public employees' retirement system, three hundred fifty-six dollars ..... $ 356.00

Social security, two hundred thirty-seven dollars ..... $ 237.00

FROM THE ARMORY PHYSICAL PLANT FUND

As much as may be necessary to pay all lawful claims, as provided by law.

COMMISSIONER OF LANDS AND INVESTMENTS

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, forty-five thousand five hundred eighty dollars ..... $ 45,580.00

Operation, nine thousand dollars ..... $ 9,000.00

Repairs and replacements, two hundred dollars ..... $ 200.00

Capital outlay, five hundred dollars ..... $ 500.00

Public employees' retirement system, one thousand seven hundred ten dollars ..... $ 1,710.00

Social security, one thousand twenty-five dollars ..... $ 1,025.00

FROM THE LAND SALES' PETTY CASH FUND

As much as may be necessary to pay all lawful claims, as provided by law.

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CHIEF FIELD AGENT

FROM THE GENERAL FUND

Salaries and wages, thirty-eight thousand eighty dollars	$	38,080.00
Operation, twenty four thousand nine hundred twelve dollars	$	24,912.00
Repairs and replacements, seventy-five dollars	$	75.00
Capital outlay, two hundred dollars	$	200.00
Public employees' retirement system, one thousand three hundred dollars	$	1,300.00
Social security, nine hundred dollars	$	900.00

BOARD OF PARDONS

FROM THE GENERAL FUND

Per diem of board members, two thousand one hundred dollars	$	2,100.00
Salary of director, seven thousand dollars	$	7,000.00
Salaries office employees, five thousand seven hundred dollars	$	5,700.00
For office expenses, three thousand dollars	$	3,000.00
Probation and parole salaries, nineteen thousand two hundred dollars	$	19,200.00
Board, probation and parole travel, fifteen thousand dollars	$	15,000.00
Public employees' retirement system, one thousand one hundred seventy-eight dollars	$	1,178.00
Social security, seven hundred twenty dollars	$	720.00

LIVESTOCK SANITARY BOARD

FROM THE GENERAL FUND

Salaries and expenses, two hundred five thousand dollars	$	205,000.00
Public employees' retirement system, four thousand eight hundred dollars	$	4,800.00

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Social security, five thousand six hundred dollars ....$ 5,600.00

Poultry disease control salaries, five thousand dollars .....$ 5,000.00

Brucellosis control salaries, twenty-five thousand dollars .....$ 25,000.00

Slaughter inspection of meat, five thousand dollars ..$ 5,000.00

FROM THE LIVESTOCK SANITARY BOARD FUND

For the payment of slaughtered stock as provided by law, and for salaries and expenses of the livestock sanitary board, such sums as may be available are hereby appropriated.

FROM THE LIVESTOCK SANITARY BOARD

EMERGENCY FUND

For the payment of emergencies arising out of the operation of the livestock sanitary board, as much as may be required when such emergency is declared to exist, as provided in section 84-5211, Revised Codes of Montana, 1947.

INDUSTRIAL ACCIDENT BOARD

FROM THE INDUSTRIAL ACCIDENT

ADMINISTRATIVE FUND

There is hereby appropriated all fees and collections accruing to the industrial accident administrative fund for salaries and expenses, as may be necessary to carry out the provisions of this act; not exceeding the sum of three hundred thirty-five thousand dollars .....$ 335,000.00

FROM THE INDUSTRIAL ACCIDENT FUND

So much thereof as may be necessary to pay all lawful claims, as provided by law.

FROM THE INDUSTRIAL ACCIDENT SECOND INJURY FUND

So much thereof as may be necessary to pay all lawful claims, as provided by law.

FROM THE VOLUNTEER FIREMEN'S COMPENSATION FUND

So much thereof as may be necessary to pay all lawful claims as provided by law.

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MONTANA TRADE COMMISSION

FROM THE GENERAL FUND

For operation, one hundred dollars ..... $ 100.00

FIRE INSURANCE ON STATE PROPERTY

FROM THE GENERAL FUND

As much as may be necessary for premiums on insurance on institutions or departments applicable thereto, fifteen thousand dollars ..... $ 15,000.00

FROM THE MILLAGE FUND

As much as may be necessary for insurance on buildings or institutions for the greater university of Montana, twenty thousand dollars ..... $ 20,000.00

FROM THE HIGHWAY FUND

For premiums on insurance for the highway department, two thousand dollars ..... $ 2,000.00

FROM THE MOTOR VEHICLE FUND

For premiums on insurance for the motor vehicle department, one hundred dollars ..... $ 100.00

DEPARTMENT OF AGRICULTURE

ADMINISTRATION

FROM THE GENERAL FUND

Salaries and wages, twenty-four thousand one hundred dollars ..... $ 24,100.00

Capital outlay, six hundred dollars ..... $ 600.00

Repairs and replacements, four hundred dollars ..... $ 400.00

Operation, eleven thousand dollars ..... $ 11,000.00

Public employees' retirement system, eleven thousand two hundred dollars ..... $ 11,200.00

Social security, five hundred fifty dollars ..... $ 550.00

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DAIRY DIVISION

FROM THE GENERAL FUND

Salaries and wages, twenty-nine thousand seven hundred dollars	$ 29,700.00
Capital outlay, two hundred fifty dollars	$ 250.00
Repairs and replacements, two hundred fifty dollars	$ 250.00
Operation, twelve thousand seven hundred dollars	$ 12,700.00
Social security, seven hundred dollars	$ 700.00

RUST CONTROL DIVISION

FROM THE GENERAL FUND

Salaries and expenses, two thousand five hundred dollars	$ 2,500.00

GRAIN STANDARDS AND MARKETING DIVISION

FROM THE GRAIN SERVICES REVOLVING FUND

There is hereby appropriated as much as may be necessary to pay all lawful claims, as provided by law.

HORTICULTURE DIVISION

FROM THE GENERAL FUND

Salaries and wages, one hundred three thousand two hundred dollars	$ 103,200.00
Capital outlay, five hundred dollars	$ 500.00
Operation, twenty-nine thousand five hundred dollars	$ 29,500.00
Social security, two thousand four hundred dollars	$ 2,400.00

FROM THE HIGHWAY FUND

Maintenance and operation, six thousand three hundred dollars	$ 6,300.00

WEIGHTS AND MEASURES' DIVISION

FROM THE GENERAL FUND

Salaries and wages, thirty-two thousand dollars	$ 32,000.00

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Operation, twenty-two thousand four hundred twenty dollars	$	22,420.00
Capital outlay, two thousand eight hundred dollars	$	2,800.00
Repairs and replacements, one thousand dollars	$	1,000.00
Social security, seven hundred eighty dollars	$	780.00

SPECIAL REVOLVING FUND

All monies collected by the weights and measures division for special inspections in testing or re-testing of weights and measures shall be credited to a special fund which fund shall be used to defray the expenses of inspections.

AGRICULTURAL STATISTICS' DIVISION

FROM THE GENERAL FUND

Salaries and expenses, twelve thousand nine hundred twenty dollars	$	12,920.00

REAL ESTATE DIVISION

FROM THE GENERAL FUND

For salaries and operation, ten thousand dollars	$	10,000.00

COMMERCIAL FERTILIZER DIVISION

FROM THE COMMERCIAL FERTILIZER FUND

As much as may be necessary to carry out the provisions of the law under which this fund was established.

COMMERCIAL FEED DIVISION

FROM THE COMMERCIAL FEED FUND

As much as may be necessary to carry out the provisions of the law under which this fund was established.

STATE PARKS DIVISION

FROM THE GENERAL FUND

Salaries and wages, eight thousand dollars	$	8,000.00
Capital outlay, three thousand dollars	$	3,000.00
Maintenance and operation, five thousand dollars	$	5,000.00

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Repairs and replacements, two thousand six hundred fifty dollars	$	2,650.00
Park improvements, forty thousand dollars	$	40,000.00
Social security, three hundred fifty dollars	$	350.00
Public employees' retirement system, one thousand dollars	$	1,000.00

FROM THE STATE PARKS' FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE CONCESSIONERS' FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE CANYON FERRY PARK FUND

As much as may be necessary to pay all lawful claims, as provided by law.

FROM THE FEDERAL TAX FUND

As much as may be necessary to pay all lawful claims, as provided by law.

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in section 1 of this act shall govern all appropriations.

Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to monies from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Section 6. The appropriations herein provided for shall be held valid notwithstanding the provisions of the budget act.

Approved March 13, 1957.

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HOUSE BILL NO. 477

An Act to Appropriate Money for the Operation, Maintenance and Other Purposes, as Designated Herein, for Certain State Departments, Boards, Bureaus and Commissions, for the Period Beginning July 1, 1957, and Ending June 30, 1959.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of this act, unless otherwise required by the context:

(1) The term "salaries" means the compensation paid in consideration of services rendered to all regularly elected or appointed officers or employees whose duties are of a continuous nature. No part of this appropriation shall be used to pay any salary in excess of that which may be specifically fixed by law. It does not mean wages or compensation paid in consideration of services rendered to temporary employees and for persons appointed or hired for a period of less than one (1) month, the payment of which is hereby made a proper charge from funds appropriated for "operation."

(2) The term "capital," unless otherwise designated or defined, means all articles, fixtures and goods of a permanent nature, but, in no event, shall the term "capital" mean buildings or purchase of lands, unless specifically defined herein. Store supplies shall have the same limitations.

(3) The term "repairs" means the amount to be paid for the repair of any capital asset, including buildings or lands.

(4) The term "replacements" means the amount to be paid for the replacing of any capital asset, as defined in paragraph (2) above, by the purchase of a new one to take its place by reason of the original being worn out or broken.

(5) The term "operation" means all other expenditures which are necessary for the operation of the department, board, bureau or commission to which the appropriation applies, including wages of employees paid to temporary employees for work not considered of a continuous nature.

(6) The term "salaries and expenses" means any expenses, including salaries, capital, repairs and replacements and operations, as defined above.

(7) The term "expense" means any expense defined above, with the exception of salaries.

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(8) The term "public employees' retirement system" means the state contributions to the public employees' retirement system and said money is to be used for that purpose and no other.

(9) The appropriations contained in this act are intended to provide only necessary expenditures for the year for which the appropriation is provided. All claims for such expenditures must be presented for payment not later than twenty (20) days after the close of the fiscal year. Supplies purchased for a succeeding year are in violation of this act. In cases of necessity, appropriations may be used for either year, provided, however, that any unexpended balances at the end of the second year, except amounts encumbered by purchase order or obligated claims and not billed prior to the above date shall revert to the funds from which they were appropriated.

(10) When reference is made herein to any chapter or section of the laws of Montana, said reference shall include any and all laws amendatory thereto.

(11) The term "social security" means the state contributions to the social security fund and said money is to be used for that purpose and no other.

Section 2. That the following sums or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein, not otherwise appropriated, for the objects and purposes hereinafter expressed, for the period beginning July 1, 1957, and ending June 30, 1958.

APPRENTICESHIP COUNCIL

FROM THE GENERAL FUND

Salaries and wages, twenty thousand one hundred forty dollars	$ 20,140.00
Operation, eight thousand one hundred seventy dollars	$ 8,170.00
Repairs and replacements, three hundred twenty-two dollars	$ 322.00
Capital outlay, two hundred seventy-eight dollars	$ 278.00
Public employees' retirement system, six hundred thirty dollars	$ 630.00
Social security, four hundred sixty dollars	$ 460.00

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STATE LIQUOR CONTROL BOARD

The state liquor control board is hereby authorized to pay all lawful claims from the monies received from the sale of liquor in the administration of the liquor control act as provided in sections 4-228 and 4-229, Revised Codes of Montana, 1947.

BEER DIVISION

FROM THE BEER ACT FUND

There is hereby appropriated as much as may be necessary not exceeding ten per cent (10%) of all revenue received, as provided in section 4-347, Revised Codes of Montana, 1947.

LAW LIBRARY

FROM THE GENERAL FUND

Salaries and wages, seven thousand two hundred twenty-five dollars	$	7,225.00
Operation, three hundred ninety-two dollars	$	392.00
Capital outlay, twenty dollars	$	20.00
Legislative reference bureau, seventy-five dollars	$	75.00
Public employees' retirement system and social security, four hundred thirteen dollars	$	413.00

FROM THE LAW LIBRARY BOOK FUND

As much as may be necessary to pay all lawful claims, as provided by law.

BUREAU OF VOCATIONAL REHABILITATION

FROM THE GENERAL FUND

For salaries and expenses, seventy thousand dollars	$	70,000.00

In addition thereto, there is hereby appropriated all monies received from the federal government for vocational rehabilitation.

DISTRICT JUDGES

FROM THE GENERAL FUND

For salaries, two hundred thirty-four thousand dollars	$	234,000.00

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For travel, nineteen thousand dollars ..... $ 19,000.00

For public employees' retirement system and industrial accident insurance, seven thousand nine hundred sixty dollars ..... $ 7,960.00

Social security, two thousand four hundred sixty dollars ..... $ 2,460.00

BOARD OF EDUCATION

FROM THE GENERAL FUND

For expenses, ten thousand eight hundred thirty-nine dollars ..... $ 10,839.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries, ten thousand eight hundred thirty-nine dollars ..... $ 10,839.00

FROM THE MILLAGE FUND

For salaries and expenses, ten thousand eight hundred thirty-nine dollars ..... $ 10,839.00

WESTERN REGIONAL EDUCATION COMPACT

FROM THE GENERAL FUND

For expenses, seven thousand dollars ..... $ 7,000.00

For student exchange fees, twenty-eight thousand dollars ..... $ 28,000.00

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For salaries and expenses, forty-four thousand one hundred twenty-five dollars ..... $ 44,125.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries and expenses, nineteen thousand one hundred twenty-five dollars ..... $ 19,125.00

For reimbursement to local schools, thirty thousand dollars ..... $ 30,000.00

In addition to the foregoing amounts, all income from

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federal funds known as vocation United States aid fund, George Borden fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the university of Montana from the above general fund appropriations.

VISUAL EDUCATION

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries, twenty thousand dollars ..... $ 20,000.00

For operation, ten thousand two hundred eighty-five dollars ..... $ 10,285.00

For capital, repairs and replacements, two thousand one hundred twenty-five dollars ..... $ 2,125.00

Public employees' retirement system, and teachers' retirement system, six hundred dollars ..... $ 600.00

FROM THE FILM LIBRARY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

SPECIAL EDUCATION DIVISION FOR

EXCEPTIONAL CHILD SERVICES

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries and expenses, eleven thousand three hundred ninety-five dollars ..... $ 11,395.00

BOARD OF HEALTH

FROM THE GENERAL FUND

For salary of executive officer, twelve thousand dollars ..... $ 12,000.00

For salaries and expenses, three hundred nineteen thousand dollars ..... $ 319,000.00

For cerebral palsy, thirty thousand dollars ..... $ 30,000.00

For stream pollution control and administration of federal sewage treatment construction grants, ten thousand dollars ..... $ 10,000.00

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For hospital facilities division for administrating Hill Burton fund, twelve thousand five hundred dollars ..... $ 12,500.00

In addition thereto, there is hereby appropriated any money that may be received from the federal government to be used as provided in the grants for the various departments and hereby reappropriate any unexpended state funds.

HIGHWAY PATROL, DRIVERS' EXAMINATION SECTION, AND MOTOR VEHICLE SAFETY-RESPONSIBILITY

FROM THE GENERAL FUND

For salary of supervisor, seven thousand dollars .... $ 7,000.00

For salaries and expenses, one million two hundred five thousand six hundred fifty-eight dollars $1,205,658.00

For rent on department and division headquarters, twelve thousand dollars ..... $ 12,000.00

For handling charge payable to highway department, seven thousand five hundred dollars ..... $ 7,500.00

For board of prisoners, alcohol analysis and miscellaneous expenses, fifty thousand dollars ..... $ 50,000.00

For salary and expenses for ten additional highway patrolmen, one hundred ten thousand dollars ..... $ 110,000.00

CAPITOL CUSTODIAN

FROM THE GENERAL FUND

For salaries, two hundred five thousand dollars ..... $ 205,000.00

For operations, sixty-seven thousand three hundred fifty dollars ..... $ 67,350.00

For capital, repairs and replacements, two thousand eight hundred dollars ..... $ 2,800.00

For public employees' retirement system and social security, eleven thousand three hundred thirty dollars .. $ 11,330.00

All moneys accumulating or now accumulated in the Sam W. Mitchell building fund No. 200 shall be transferred to the general fund of the State of Montana.

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STATE P B X DIVISION

FROM THE GENERAL FUND

Salaries and expenses, sixteen thousand five hundred thirty-two dollars ..... $ 16,532.00

FROM THE HIGHWAY FUND

Salaries and expenses, four thousand two hundred seventy-nine dollars ..... $ 4,279.00

FROM THE FISH AND GAME FUND

Salaries and expenses, one thousand eight hundred thirty-three dollars ..... $ 1,833.00

FROM THE MILLAGE FUND

Salaries and expenses, ninety-six dollars ..... $ 96.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries and expenses, three hundred two dollars .... $ 302.00

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

Salaries and expenses, fifty-seven dollars ..... $ 57.00

It is recommended that the following amount be transferred, by journal voucher, to the state PBX fund from various special and federal aid funds as their proportionate shares of cost of PBX system operation, four thousand three hundred thirty-one dollars ..... $ 4,331.00

Section 3. That the following sums, or so much thereof as may be found necessary, be, and the same are hereby appropriated out of any monies in the state treasury, and from special funds enumerated herein not otherwise appropriated for the objects and purposes hereinafter expressed, for the period beginning July 1, 1958, and ending June 30, 1959.

APPRENTICESHIP COUNCIL

FROM THE GENERAL FUND

Salaries and wages, twenty thousand one hundred forty dollars ..... $ 20,140.00

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Operation, eight thousand one hundred seventy dollars ..... $ 8,170.00

Repairs and replacements, three hundred twenty-two dollars ..... $ 322.00

Capital outlay, two hundred seventy-eight dollars .... $ 278.00

Public employees' retirement system, six hundred thirty dollars ..... $ 630.00

Social security, four hundred sixty dollars ..... $ 460.00

STATE LIQUOR CONTROL BOARD

The state liquor control board is hereby authorized to pay all lawful claims from the monies received from the sale of liquor in the administration of the liquor control act as provided in sections 4-228 and 4-229, Revised Codes of Montana, 1947.

BEER DIVISION

FROM THE BEER ACT FUND

There is hereby appropriated as much as may be necessary not exceeding ten per cent (10%) of all revenue received, as provided in section 4-347, Revised Codes of Montana, 1947.

LAW LIBRARY

FROM THE GENERAL FUND

Salaries and wages, seven thousand two hundred twenty-five dollars ..... $ 7,225.00

Operation, three hundred ninety-two dollars ..... $ 392.00

Capital outlay, twenty dollars ..... $ 20.00

Legislative reference bureau, seventy-five dollars .. $ 75.00

Public employees' retirement system and social security, four hundred thirteen dollars ..... $ 413.00

FROM THE LAW LIBRARY BOOK FUND

As much as may be necessary to pay all lawful claims, as provided by law.

BUREAU OF VOCATIONAL REHABILITATION

FROM THE GENERAL FUND

For salaries and expenses, seventy thousand dollars .. $ 70,000.00

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In addition thereto, there is hereby appropriated all monies recieved from the federal government for vocational rehabilitation.

DISTRICT JUDGES

FROM THE GENERAL FUND

For salaries, two hundred thirty-four thousand dollars ..... $ 234,000.00

For travel, nineteen thousand dollars ..... $ 19,000.00

For public employees' retirement system and industrial accident insurance, seven thousand nine hundred sixty dollars ..... $ 7,960.00

Social security, two thousand four hundred sixty dollars ..... $ 2,460.00

BOARD OF EDUCATION

FROM THE GENERAL FUND

For expenses, ten thousand eight hundred thirty-nine dollars ..... $ 10,839.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries, ten thousand eight hundred thirty-nine dollars ..... $ 10,839.00

FROM THE MILLAGE FUND

For salaries and expenses, ten thousand eight hundred thirty-nine dollars ..... $ 10,839.00

WESTERN REGIONAL EDUCATION COMPACT

FROM THE GENERAL FUND

For expenses, seven thousand dollars ..... $ 7,000.00

For student exchange fees, twenty-eight thousand dollars ..... $ 28,000.00

VOCATIONAL EDUCATION

FROM THE GENERAL FUND

For salaries and expenses, forty-four thousand one hundred twenty-five dollars $44,125.00

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FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries and expenses, nineteen thousand one hundred twenty-five dollars ..... $ 19,125.00

For reimbursement to local schools, thirty thousand dollars ..... $ 30,000.00

In addition to the foregoing amounts, all income from federal funds known as vocation United States aid fund, George Borden fund, or any other federal funds that may be available, are hereby appropriated. No reimbursement shall be made to any of the units of the university of Montana from the above general fund appropriations.

VISUAL EDUCATION

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries, twenty thousand dollars ..... $ 20,000.00

For operation, ten thousand six hundred thirty dollars ..... $ 10,630.00

For capital, repairs and replacements, one thousand two hundred seventy-five dollars ..... $ 1,275.00

Public employees' retirement system, and teachers' retirement system, six hundred dollars ..... $ 600.00

FROM THE FILM LIBRARY FUND

As much as may be necessary to pay all lawful claims, as provided by law.

SPECIAL EDUCATION DIVISION FOR EXCEPTIONAL CHILD SERVICES

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

For salaries and expenses, eleven thousand three hundred ninety-five dollars ..... $ 11,395.00

BOARD OF HEALTH

FROM THE GENERAL FUND

For salary of executive officer, twelve thousand dollars ..... $ 12,000.00

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For salaries and expenses, three hundred nineteen thousand dollars ..... $ 319,000.00

For cerebral palsy, thirty thousand dollars ..... $ 30,000.00

For stream pollution control and administration of federal sewage treatment construction grants, ten thousand dollars ..... $ 10,000.00

For hospital facilities division for administrating Hill Burton fund, twelve thousand five hundred dollars ..... $ 12,500.00

In addition thereto, there is hereby appropriated any money that may be received from the federal government to be used as provided in the grants for the various departments and hereby reappropriate any unexpended state funds.

HIGHWAY PATROL, DRIVERS' EXAMINATION SECTION, AND MOTOR VEHICLE SAFETY-RESPONSIBILITY

FROM THE GENERAL FUND

For salary of supervisor, seven thousand dollars ..... $ 7,000.00

For salaries and expenses, one million one hundred forty-five thousand one hundred ninety-three dollars .. $1,145,193.00

For rent on department and division headquarters, twelve thousand dollars ..... $ 12,000.00

For handling charge payable to highway department, seven thousand five hundred dollars ..... $ 7,500.00

For board of prisoners, alcohol analysis and miscellaneous expenses, fifty thousand dollars ..... $ 50,000.00

For salary and expenses for ten additional highway patrolmen, eighty-five thousand dollars ..... $ 85,000.00

CAPITOL CUSTODIAN

FROM THE GENERAL FUND

For salaries, two hundred five thousand dollars ..... $ 205,000.00

For operations, sixty-seven thousand three hundred fifty dollars ..... $ 67,350.00

For capital, repairs and replacements, two thousand three hundred dollars ..... $ 2,300.00

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For public employees' retirement system and social security, eleven thousand three hundred thirty dollars ..... $ 11,330.00

All moneys accumulating or now accumulated in the Sam W. Mitchell building fund No. 200 shall be transferred to the general fund of the State of Montana.

STATE P B X DIVISION

FROM THE GENERAL FUND

Salaries and expenses, sixteen thousand two hundred ninety-one dollars ..... $ 16,291.00

FROM THE HIGHWAY FUND

Salaries and expenses, four thousand two hundred seventeen dollars ..... $ 4,217.00

FROM THE FISH AND GAME FUND

Salaries and expenses, one thousand eight hundred five dollars ..... $ 1,805.00

FROM THE MILLAGE FUND

Salaries and expenses, ninety-five dollars ..... $ 95.00

FROM THE PUBLIC SCHOOL EQUALIZATION FUND

Salaries and expenses, two hundred ninety-seven dollars ..... $ 297.00

FROM THE HAIL INSURANCE ADMINISTRATIVE FUND

Salaries and expenses, fifty-seven dollars ..... $ 57.00

It is recommended that the following amount be transferred, by journal voucher, to the state PBX fund from various special and federal aid funds as their proportionate shares of cost of PBX system operation, four thousand two hundred sixty-eight dollars ..... $ 4,268.00

Section 4. Provided further, that all appropriations contained herein shall be used for the purposes designated and no other, and the definitions given in section 1 of this act shall govern all appropriations.

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Section 5. It is further provided that wherein departments or institutions have appropriations from sources other than the general fund or university millage fund, excepting trust funds wherein a specific law governs, the money from such other sources shall be used when available before using the appropriations from the general fund or university millage fund; provided, however, that such restrictions shall not apply to monies from special tax on livestock, or to special fees collected on livestock or from livestock owners as provided by law.

Section 6. The appropriations herein provided for shall be held valid notwithstanding the provisions of the budget act.

Approved March 18, 1957.

HOUSE BILL NO. 478

An Act to Appropriate Money for the Payment of Certain Deficiency Claims Arising from Obligations Incurred by the Water Conservation Board, State Board of Equalization, Thirty-fourth Legislative Assembly, District Judges, Department of Agriculture, Home for Senile Men and Women, State Board of Examiners; Providing for Re-appropriation of Funds Within the Budget of Montana State College; Providing for a Supplemental Appropriation to the Adjutant General, Thirty-fifth Legislative Assembly; Providing for Transfer of Funds Within the Department of Agriculture; and Providing for an Effective Date.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the following sums, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the state treasury, not otherwise appropriated, for the purpose of paying the following deficiency and supplemental claims:

FROM THE GENERAL FUND

For obligations incurred by the state water conservation board in connection with survey of Big Horn and Yellowstone river islands, two thousand seven hundred eighty-three dollars and seventy-four cents ($2,783.74).

For obligations incurred by the thirty-fourth legislative assembly, fifteen thousand one hundred eighty-

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two dollars and fifty-two cents ($15,182.52), more particularly itemized as follows:

State Publishing Company for branding, and shipping 1955 session laws ..... $ 309.70

Partial claim for eight hundred copies 1955 session laws ..... $ 2,379.70

For four hundred copies of house journal ..... $ 5,115.91

For four hundred copies senate journal ..... $ 4,701.97

Social security division, P.E.R.S., thirty-fourth legislative assembly ..... $ 1,818.82

The Mountain States Telephone and Telegraph Company ..... $ 429.02

John L. McKeon ..... $ 300.00

DeKalb, Dockery and Symmes ..... $ 127.40

For obligations incurred by district judges, one thousand six hundred twenty-nine dollars and thirty-one cents ($1,629.31), more particularly itemized as follows:

P.E.R.S. (employer contribution on Albert Besancon) ..... $ 1,167.79

Travel account 566-2, Judge Stewart McConochie, deceased, payable to Mrs. Stewart McConochie ..... $ 461.52

For obligations incurred by the home for senile men and women, seven hundred thirty-seven dollars and ninety-four cents ($737.94), more particularly itemized as follows:

Dudley Construction Company ..... $ 737.94

For obligations incurred by the state board of equalization, eleven thousand seven hundred fifty-one dollars and fifty-nine cents ($11,751.59), more particularly itemized as follows:

Inheritance tax refund, the estate of James O'Grady .. $ 878.04

Inheritance tax refund, the estate of Gertrude T. Shy, deceased ..... $ 433.20

Inheritance tax refund, estate of Wyatt W. Surgeon, deceased ..... $ 316.11

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Cigarette tax stamp refund to R. S. Reynolds Tobacco Company	$	739.60
For refund of Corporation License Tax: Barlow's Service, Inc., Denver, Colorado	$	6.09
Barry O'Leary, Inc., Billings, Montana	$	417.85
Blackwelder Manufacturing Co., Rio Vista, California	$	397.68
Colby Sheep Company, Great Falls, Montana	$	135.38
Elliots, Inc., Billings, Montana	$	2,093.37
Friden Calculating Machine Co., Inc., San Leandro, California	$	5.39
Glacier Colony, Cut Bank, Montana	$	179.14
Higham Cattle Company, Forsyth, Montana	$	256.50
J. C. Mitchell Construction Co., Billings, Montana	$	66.21
Montana Finance Syndicate, Billings, Montana	$	5,131.75
J. E. Skahan Construction Co., Missoula, Montana	$	576.23
Southland Royalty Company, Fort Worth, Texas	$	44.93
Stewart's, Inc., Billings, Montana	$	74.12
For obligations incurred by the department of agriculture for public employees' retirement system, three thousand four dollars and eighty-two cents ($3,004.82), more particularly itemized as follows:		
Ralph Popovich	$	62.63
Glenna MacDonald	$	107.28
Thomas Hilling	$	55.49
Helen Harris	$	98.88
J. H. Allmaras	$	287.75
Evelyn Boyd	$	52.16
Eugene C. Brennan	$	32.57
Merton Cameron	$	85.11
Louis Decrevel	$	221.70
E. D. Hathaway	$	178.92

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Ruth Moses	$	71.18
P. J. Mortensen	$	43.15
Chas. H. Penwell	$	229.40
Donald M. Sheetz	$	66.54
James St. John	$	127.80
Fritz C. Urfer	$	226.64
Lawrence Vigen	$	156.20
Keith Nelson	$	75.29
Thomas Taylor	$	15.43
Mildred E. Dwyer	$	620.57
Mildred E. Dwyer	$	9.25
R. E. Bancroft	$	180.88

For obligations incurred by the board of examiners, forty-seven thousand three hundred ninety dollars and sixty cents ($47,390.60), more particularly itemized as follows:

Twenty-five per cent (25%) down payment to the International Roll Call Corporation	$	22,822.42
1958 Annual payment to the International Roll Call Corporation	$	22,822.42
Communication Equipment and Engineering Company	$	200.00
Ed Raihl, General Delivery, Anaconda, Montana	$	45.76
Al Schaff and Clair Moody, dba Quality Hatchery of Billings, Montana	$	1,500.00

The said claimants, Al Schaff and Clair Moody dba Quality Hatchery, shall execute and deliver to the State of Montana a release in full of all demands and claims of said claimants against the State of Montana to the date of release.

For obligations incurred by the adjutant general's department, eight thousand nine hundred twenty-five dollars ($8,925.00), it having been determined the

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appropriation by the thirty-fourth legislative assembly to be insufficient.

To account No. 504.5	$	425.00
To account No. 504.9	$	1,500.00
To account No. 504.3	$	7,000.00

For obligations incurred by the thirty-fifth legislative assembly, forty-five thousand dollars ($45,000.00), more particularly itemized as follows:

For mileage and per diem of members	$	2,500.00
Per diem of officers and attaches	$	20,000.00
Incidental expenses	$	15,000.00
Social security	$	7,500.00

MONTANA STATE COLLEGE

There is hereby re-appropriated, and this does hereby appropriate, all unencumbered balances remaining in Fund 801-4, replacement high voltage line, at the end of the fiscal year, June 30, 1957.

Authorization is hereby granted to the department of agriculture to transfer four hundred fifty dollars ($450.00) from Fund 510-26 to Fund 510-27.

Section 2. The appropriations hereinabove provided for shall be deemed and held valid notwithstanding the provisions of the budget act.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved March 16, 1957.

HOUSE JOINT MEMORIAL NO. 4

A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the President of the United States, Dwight D. Eisenhower; the Congress of the United States; Senator James E. Murray of Montana; Senator Mike Mansfield of Montana; Congressman Lee Metcalf of Montana; Congressman LeRoy Anderson of Montana; the Committee on Interior and Insular Affairs of the United States Senate; the Committee on Interior and Insular Affairs of the United States House of Repre-

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sentatives; the Committee on Public Works of the United States Senate; the Committee on Public Works of the United States House of Representatives; the Secretary of the Interior, Frederick B. Seaton; the Commissioner of the Bureau of Reclamation, Wilbur A. Dexheimer; the Secretary of the Army, Wilber M. Brucker; the Director of the Budget, Percival F. Brundage; the Committee on Appropriations of the United States Senate; and the Committee on Appropriations of the United States House of Representatives; Requesting the Introduction and Enactment into Law of the Necessary and Proper Legislation to Authorize Construction by the Federal Government of the Yellowtail Dam on the Big Horn River in the State of Montana and to Authorize that Sufficient Appropriations be provided for the Detailed Planning and Construction of the Yellowtail Dam.

WHEREAS, Yellowtail dam site is located on the Big Horn river in Big Horn county in southeastern Montana, and the Yellowtail dam will be constructed across the Big Horn river about three-fourths of a mile above the mouth of the Big Horn canyon about thirty-five miles southwest of Hardin, Montana, and forty-four miles southeast of Billings, Montana; and

WHEREAS, Yellowtail dam and reservoir were authorized for construction by the secretary of the interior under the provisions of section 9 (a) of the flood control act of 1944 (58 Stat. 887), for power production, irrigation, flood control, and other conservation purposes; and

WHEREAS, under appropriations by the congress, the secretary of the interior, through the bureau of reclamation, has expended more than two million, five hundred thousand dollars ($2,500,000.00) for investigations and preparation of preliminary plans and designs for Yellowtail dam as a part of the Hardin unit, Missouri river basin project; and

WHEREAS, three secretaries of the interior have found Yellowtail dam feasible from an economic, financial, and engineering standpoint, and recommended the appropriation of funds to initiate its construction; and

WHEREAS, the congress, on the recommendation of its appropriations committees, in the public works appropriation act for fiscal year 1956, included an allocation of four million dollars ($4,000,000.00) to initiate construction and rehabilitation funds for the bureau of reclamation, department of the interior; and

WHEREAS, the president of the United States on July 15,

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1955, signed into law the "public works appropriation act, 1956," including funds for initiation of Yellowtail dam construction, and the bureau of the budget subsequently approved recommendations of the department of the interior for the apportionment of funds under the reclamation program for fiscal year 1956 to initiate said construction; and

WHEREAS, the president recommended in the fiscal year 1957 budget an additional ten million, eight hundred fifty thousand dollars ($10,850,000.00) to continue construction of Yellowtail dam, thus giving additional sanction to the previous action of the congress in this respect; and

WHEREAS, the eighty-fourth congress, second session, adopted S. J. Res. 135 providing "for payment to Crow Indian tribe for right-of-way for Yellowtail dam and reservoir, Hardin unit, Missouri river basin project, Montana-Wyoming," to which reference is hereby made; and

WHEREAS, on June 7, 1956, the president returned said resolution, "without my approval;" and

WHEREAS, resolutions designed to meet the president's objection have been introduced in the eighty-fifth congress, first session, on a bipartisan basis; and

WHEREAS, the Yellowtail power plant, as projected, will have an installed capacity of 200,000 kilowatts with an estimated annual firm energy capacity averaging 584,000,000 kilowatt hours. In addition to this firm energy, the Yellowtail power plant is expected to have an average annual nonfirm output of 163,920,000 kilowatt hours, bringing the average total estimated production to approximately 748,000,000 kilowatt hours; and

WHEREAS, such power is urgently needed to supply existing and rapidly expanding power needs in southeastern Montana and northeastern Wyoming for irrigation pumping, rural electric cooperatives and other public bodies, and for commercial and industrial uses as well as for defense industry; and

WHEREAS, irrigation is one of the additional contributions Yellowtail dam will make to the economy of the area, and that of the nation as a whole. Approximately 45,000 acres of irrigable land will be placed under the ditch by waters made available by Yellowtail dam. In addition, there are a number of desirable pumping units along the Big Horn, Tongue, Powder and Yellowstone rivers that will be made feasible by low cost power derived from Yellowtail dam, which will serve to irrigate some 180,000

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additional acres, or an approximate total of 225,000 acres of fertile land will be brought into production of food essential to our nation's oncoming needs; and

WHEREAS, Yellowtail dam, in addition to providing hydroelectric power and irrigation, will also bring a vast contribution to flood control, silt and soil control, conservation of fish and wildlife, recreational development, and other related and beneficial uses; and

NOW THEREFORE BE IT RESOLVED, by the thirty-fifth legislative assembly of the State of Montana of 1957, now in session, the senate and house of representatives concurring, that the congress of the United States be respectfully urged and requested to approve the pending resolution before that body which provides for a fair and just settlement to the Crow Indians, so that construction of the sorely needed Yellowtail dam project may begin at once; and

BE IT FURTHER RESOLVED, that copies of this memorial be submitted by the secretary of the State of Montana to each of the individuals and to the chairmen of each of the committees named in the title of this memorial, and also to the presiding officers of both houses of the congress of the United States, Richard M. Nixon and Sam E. Rayburn.

Approved February 14, 1957.

HOUSE JOINT MEMORIAL NO. 5

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, United States Senators from Montana; to the Honorable LeRoy Anderson and the Honorable Lee Metcalf, Representatives from Montana; to the Honorable Commissioner of Internal Revenue of the United States, Relating to Increasing Personal Income Tax Credit Exemption.

To the Honorable Senate and House of Representatives
of the United States in Congress Assembled:

WHEREAS, there has been and is now a trend toward a higher cost of living, resulting in a decrease in the power of each taxpayer to purchase his needs; and

WHEREAS, it has become virtually necessary for the individual

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taxpayer to decrease the number and size of his purchases with the resulting threat that the present rate of consumption and purchasing of goods and services will decline; and

WHEREAS, an increase in personal income tax credit exemption from $600.00 to $700.00 will help alleviate this condition;

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the thirty-fifth legislative assembly of the State of Montana, the senate concurring, that we respectfully urge the senators and representatives from Montana and the congress of the United States and the honorable commissioner of internal revenue to take appropriate action to increase the personal income tax credit exemption from $600.00 to $700.00.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the chief clerk of the house of representatives of the State of Montana to the Honorable James E. Murray and the Honorable Mike Mansfield, United States senators from Montana; to the Honorable LeRoy Anderson and the Honorable Lee Metcalf, representatives from Montana and to the honorable commissioner of internal revenue of the United States.

Approved March 7, 1957.

HOUSE JOINT MEMORIAL NO. 6

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States; Senator James E. Murray of Montana; Senator Mike Mansfield of Montana; Congressman Lee Metcalf of Montana; Congressman LeRoy Anderson of Montana; the Committee on Interior and Insular Affairs of the United States Senate; the Committee on Interior and Insular Affairs of the United States House of Representatives; and the Secretary of the Interior, Frederick B. Seaton; Requesting that the Congress of the United States Make a Thorough Study of the Effect of Promoting Off-Reservation Migration upon the American Indians' Family Life; the Advisability of Extending Family Assistance Programs to Indians Away from Reservations; the Educational Development of the Relocated Indian Child; the Development of Job Opportunities at or Near Reservations; the Development of Indian Property Resources and the Equal Participation for all Indians in Federal Services Such as the Indian Branch of Public Health Services.

WHEREAS, the enabling act of the State of Montana, as well

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as numerous treaties between the United States government and Indian tribes, many statutes and agreements specifically reserve to the congress of the United States the jurisdiction over Indians;

WHEREAS, the changes in residence from reservations to cities for one-third and more of Montana's Indians have given rise to conflicts in the administration of needed services;

WHEREAS, in an age of automation the Indian is found far behind the general population in job preparedness, education, general health and level of income;

NOW, THEREFORE, BE IT RESOLVED, by the thirty-fifth legislative assembly of Montana of 1957, now in session, the senate and house of representatives concurring, do recommend to the congress of the United States a thorough study of the following: (1) The effect of promoting off-reservation migration upon the Indians' family life and the advisability of extending the usual reservation family assistance program to Indians away from reservations through the ordinary city-county channels of welfare; (2) the educational development of the relocated Indian child; (3) the development of job opportunities on and near reservations so that there will be the least disruption of family life; (4) the development of Indian property resources and of housing; (5) the equal participation for all Indians in such special federal services, as the Indian branch of the public health services.

BE IT FURTHER RESOLVED, that copies of this memorial be submitted by the secretary of the State of Montana to the congress of the United States, to Senator James E. Murray and Senator Mike Mansfield of Montana, to Congressman Lee Metcalf and Congressman LeRoy Anderson of Montana, to the committee on interior and insular affairs of the United States senate, to the committee on interior and insular affairs of the United States house of representatives, and to the Honorable Frederick B. Seaton, secretary of the interior.

Approved March 7, 1957.

HOUSE JOINT MEMORIAL NO. 9

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States; James E. Murray and Mike Mansfield, Senators from the State of Montana; Lee Metcalf and LeRoy Anderson, Representatives in Congress from the State of Montana; the Interior and Insular Af-

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fairs Committee of the United States Senate; the Interior and Insular Affairs Committee of the United States House of Representatives; the Committee on Public Works of the United States Senate; the Committee on Public Works of the United States House of Representatives; the Secretary of the Army, Wilber M. Brucker; the Chief of the Corps of Engineers, Department of the Army, Major General E. C. Itschner; Urging the Committees to Investigate the Subordination of Power Generation on the Missouri River to Navigation, and to Determine all Facts Necessary to Ascertain the Balance Between Electric Power Supply and Requirements, Existing and Prospective, in the Upper Missouri Basin.

WHEREAS, the supply of low-cost federal power in the upper Missouri basin is inadequate to meet the foreseeable needs of preference customers, and

WHEREAS, the O'Mahoney-Millikin amendment to the flood control act of 1944 reserves waters arising in states wholly or partly west of the ninety-seventh meridian for beneficial uses, including irrigation, which requires large quantities of pumping power; domestic and municipal uses; and industrial uses; and

WHEREAS, it is known that the U. S. army corps of engineers has been releasing water from Fort Peck, Garrison and Fort Randall dams during the navigation season in the lower Missouri river to the detriment of power production, federal revenue, and good management;

NOW, THEREFORE, BE IT RESOLVED, that the legislature of the State of Montana memorializes the congress of the United States to implement and make effective the mandate intended in the O'Mahoney-Millikin amendment that the use of water for navigation purposes be subordinated to western uses, and

BE IT FURTHER RESOLVED, that we call upon the army corps of engineers to cease the release of large quantities of water for such subordinate purposes; and

BE IT FURTHER RESOLVED, that the legislature of the State of Montana memorializes the committees on interior and insular affairs and the committees on public works of the United States senate and house of representatives to investigate the subordination of power generation on the Missouri river to navigation, and to determine all facts necessary to ascertain the balance between electric power supply and requirements, existing and prospective, in the upper Missouri basin. Such investigations and determinations should include power supply available considering management of the river in consonance with the O'Mahoney-Millikin

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principles as well as the need for and the economics of developing steam generation to firm up hydropower now being sold or to be sold by the government at less than firm power rates, and

BE IT FURTHER RESOLVED, that copies of this memorial be submitted by the secretary of the State of Montana to each of the individuals and to the chairmen of the committees named in the title of this memorial and also to the presiding officers of both houses of the congress of the United States, Richard M. Nixon and Sam E. Rayburn.

Approved March 7, 1957.

HOUSE JOINT MEMORIAL NO. 11

A Joint Memorial of the House of Representatives and the Senate of the State of Montana to Dwight D. Eisenhower, President of the United States; to the Congress of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from the State of Montana; to the Honorable Lee Metcalf and the Honorable LeRoy Anderson, Representatives from the State of Montana; to the Department of Agriculture and to the Honorable Secretary of Agriculture, Ezra Taft Benson; Asking that Acreages of Experimental Wheat be Not Counted in the Allotted Acreage Set up for Each Farm and that the Grower of Experimental Wheat be Not Penalized for This Excess Acreage.

WHEREAS, wheat production makes up a major portion of the new wealth of the nation; and

WHEREAS, it is an accepted fact that more research is needed to establish the wheat farmer in a healthy economic condition; and

WHEREAS, the present curtailed acreage allotment discourages the use of these curtailed acres for experimental work, since every allotted acre is needed to bolster the sagging farm economy; and

WHEREAS, experimental wheat crops cannot be counted on to equal approved varieties in the production of revenue;

NOW THEREFORE BE IT RESOLVED by the house of representatives of the State of Montana, the senate concurring, that we respectfully urge that Dwight D. Eisenhower, president of the United States; the congress of the United States; the Honorable

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James E. Murray and the Honorable Mike Mansfield, senators from the State of Montana; the Honorable Lee Metcalf and the Honorable LeRoy Anderson, representatives from the State of Montana; the department of agriculture and the Honorable Ezra Taft Benson, the secretary of agriculture, to allow wheat producers to grow unproved varieties of experimental wheat under direction of the state extension service, and that such acreages of experimental wheat be not counted in the allotted acreage set up for each farm and that the grower of experimental wheat be not penalized for this excess acreage.

BE IT FURTHER RESOLVED, that the secretary of state for the State of Montana be, and is hereby directed to transmit a copy of this memorial to those listed in the title of this memorial.

Approved February 14, 1957.

HOUSE JOINT MEMORIAL NO. 14

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States; Senator James E. Murray of Montana, Senator Mike Mansfield of Montana; Congressman Lee Metcalf of Montana, Congressman LeRoy Anderson of Montana; the Committee on Interior and Insular Affairs of the United States Senate; the Committee on Interior and Insular Affairs of the United States House of Representatives; and the Secretary of Interior, Frederick B. Seaton; Requesting that the Congress of the United States, and the Members of the House of Representatives and Senate, Interior and Insular Affairs' Committee and the Secretary of the Interior, Frederick B. Seaton, Recognize the Federal Responsibility in Assisting and Providing Reasonable Job Opportunities, and Necessary Financial Assistance, in Co-operation with the State of Montana, and the Counties Thereof, for Indian People, Regardless of Where They Reside Within the State of Montana; and Requesting Further, That Appropriate Action be Taken to Insure that Indian People Receive Employment Preference in Connection with All Contracts Involving the Use of Labor on Indian Reservations.

WHEREAS, many of the Indian tribes placed on reservations in Montana by congressional action, once lived, owned and controlled the great plains area and the entire northwest, but in compliance with the will of congress as evidenced by treaty, custom

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and statute, such Indian people were placed on reservations within the State of Montana; and

WHEREAS, under such treaties, customs, and federal laws, the primary responsibility for management of Indian problems has, and now does, rest with the federal government; and

WHEREAS, lack of employment opportunities on Montana reservations has caused, and is now causing, numerous Indians to leave their reservations, where they are still unable to obtain gainful employment; and

WHEREAS, many of these people are not economically, socially, nor emotionally stable, and, as a consequence, have suffered, and are suffering, great hardship and poverty, and have created and are creating, extreme social and welfare problems to the State of Montana and the cities, towns, and counties thereof; and

WHEREAS, with knowledge, acquiescence, and in many cases, by direct acts of the department of interior, federally supervised contracts on Indian reservations have been, and are being, executed in such a manner as to deliberately avoid furnishing Indian people employment opportunities in or near their reservations, which contracts could afford these Indians a means of earning money to support themselves and their families; and

WHEREAS, this condition has caused and is causing undeserved embarrassment and disgrace to all the citizens of Montana, Indian and non-Indian alike.

NOW THEREFORE, BE IT RESOLVED, that the thirty-fifth legislative assembly of the State of Montana of 1957, now in session, the senate and the house of representatives concurring, do recommend to the congress of the United States, the members of the house of representatives and senate, the interior and insular affairs' committee, and the secretary of interior, Frederick B. Seaton, that they more fully recognize the federal responsibility in assisting and providing reasonable job opportunities and necessary financial assistance and co-operation with the State of Montana, and the counties thereof, to Indian people regardless of where they reside within the State of Montana; and it is further recommended that action be taken to provide adequate employment opportunities for Indians by providing that the Indian people receive, all other things being equal, employment preference in connection with all contracts which involve use of labor on Indian reservations.

BE IT FURTHER RESOLVED, that copies of this memorial

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be submitted by the secretary of the State of Montana to the congress of the United States; Senator James E. Murray, Senator Mike Mansfield; Congressman Lee Metcalf and Congressman LeRoy Anderson; the chairman of the committee on interior and insular affairs of the United States senate; the chairman of the committee on interior and insular affairs of the United States house of representatives; and to the Honorable Frederick B. Seaton, secretary of interior.

Approved March 8, 1957.

HOUSE JOINT MEMORIAL NO. 15

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States; Senator James E. Murray of Montana, Senator Mike Mansfield of Montana; Congressman Lee Metcalf of Montana, Congressman LeRoy Anderson of Montana; Senator William L. Langer, Chairman Senate Judiciary Committee and Juvenile Delinquency Special Subcommittee; the Committee on Interior and Insular Affairs of the United States Senate; the Committee on Interior and Insular Affairs of the United States House of Representatives, and the Secretary of Interior, Frederick B. Seaton; Requesting that the Congress of the United States and the Members of the House of Representatives and Senate, Interior and Insular Affairs' Committee and the Secretary of the Interior, Frederick B. Seaton, Take the Necessary Action to Have a Policy Established by the Department of Interior and the Indian Bureau Thereof, to Purchase Coal for Use on the Tongue River and Crow Indian Reservations from the Coal Deposits Existing on the Tongue River Indian Reservation, in Order to Promote the General Welfare of the Northern Cheyenne Tribe, Both by Providing Employment on That Reservation for the Northern Cheyenne Indian People Residing Thereon, and by Providing Income for This Exemplary Tribal Enterprise.

WHEREAS, large deposits of semibituminous coal of good grade are located on the Tongue river Indian reservation; and

WHEREAS, production of this coal has been operated by the northern Cheyenne Indian tribal council on the Tongue river Indian reservation as a tribal enterprise and has, in past years, provided employment for Indian people residing on that reservation; and

WHEREAS, this coal is the property of the northern Cheyenne

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Indian tribe and the sale of such coal has, in past years brought considerable money to the northern Cheyenne Indian tribe, in addition to furnishing employment to members thereof; and,

WHEREAS, the department of the interior and the Indian bureau thereof, has need for and has in the past, and is now, purchasing coal for use on the Tongue river Indian reservation and the adjacent Crow Indian reservation; and

WHEREAS, at the present time, coal being purchased by the said government agencies is being purchased outside the said reservation and outside the State of Montana; and

WHEREAS, such action has directly increased the welfare and social problems existing upon the Tongue river Indian reservation;

NOW, THEREFORE, BE IT RESOLVED, that the thirty-fifth legislative assembly of the State of Montana of 1957, now in session, the senate and the house of representatives concurring, do recommend to the congress of the United States; the members of the house of representatives and senate; the interior and insular affairs' committees; and the secretary of the interior, Frederick B. Seaton; that the necessary action be taken to have a policy established by the department of interior, and the Indian bureau thereof, to purchase coal for use on these Indian reservations, from the coal deposits existing on the Tongue river Indian reservation, in order to promote the general welfare of the northern Cheyenne Indian tribe, both by providing employment on that reservation for the northern Cheyenne Indian people residing thereon, and by providing income for this exemplary tribal enterprise.

BE IT FURTHER RESOLVED, that copies of this memorial be submitted by the secretary of the State of Montana to the congress of the United States, Senator James E. Murray, Senator Mike Mansfield; Congressman Lee Metcalf and Congressman LeRoy Anderson; Senator William L. Langer of North Dakota, chairman of the senate judiciary committee and juvenile delinquency special subcommittee; the chairman of the committee on interior and insular affairs of the United States senate; the chairman of the committee on interior and insular affairs of the United States house of representatives; and to the Honorable Frederick B. Seaton, secretary of interior.

Approved March 8, 1957.

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HOUSE JOINT MEMORIAL NO. 16

A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the Congress of the United States; Senator James E. Murray of Montana; Senator Mike Mansfield of Montana; Congressman Lee Metcalf of Montana; Congressman LeRoy Anderson of Montana; Requesting the Congress of the United States to Provide for the Construction and Completion of the Lewis and Clark Highway.

WHEREAS, in the event of hostilities involving the Pacific northwest, highway facilities through the State of Montana in an easterly direction would be of paramount and vital importance both from the standpoint of military defense and for the evacuation of civilians; and

WHEREAS, the Lewis and Clark Highway, when completed, will connect Lewiston, Idaho, and Missoula, Montana, by a direct, watergrade route, and thus provide another means of east-west travel between the Pacific northwest and the middle west; and

WHEREAS, the unconstructed portion of the Lewis and Clark highway is only twenty-five (25) miles in length and lies entirely within the Selway Wilderness area, a federal domain; and

WHEREAS, the Lewis and Clark highway when completed will traverse or closely parallel the route of the Lewis and Clark expedition, which opened up the Pacific northwest over one hundred fifty (150) years ago and would be a fitting memorial to those explorers; and

WHEREAS, the honorable senate and house of representatives of the State of Idaho and other western states are likewise memorializing the congress of the United States with this same request; and

NOW, THEREFORE, BE IT RESOLVED, that we, the senate and house of representatives of the legislature of the State of Montana concurring, now in its thirty-fifth legislative session do respectfully and earnestly request the congress of the United States to authorize and appropriate sufficient monies to provide for the construction and completion of said unfinished link in said Lewis and Clark highway at the earliest practicable date.

BE IT FURTHER RESOLVED, that the secretary of state of the State of Montana be authorized, and he is hereby directed to forward certified copies of this memorial to the president of the United States, the senate and the house of representatives of the

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United States, and to the senators and representatives representing this state in the congress of the United States.

Approved February 21, 1957.

HOUSE JOINT MEMORIAL NO. 17

A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the President of the United States, Dwight D. Eisenhower; the Congress of the United States; Senator James E. Murray of Montana; Senator Mike Mansfield of Montana; Congressman Lee Metcalf of Montana; Congressman LeRoy Anderson of Montana; the Committee on Interior and Insular Affairs of the United States Senate; the Committee on Interior and Insular Affairs of the United States House of Representatives; Requesting the Free Sale of Newly Mined Domestic Gold.

WHEREAS, during world war II, mining operations in many gold mines throughout the United States were discontinued pursuant to government order; and

WHEREAS, the cost of mining operations has greatly increased; and

WHEREAS, the price of gold in the United States was fixed in 1934 during a period of low operating costs and that price has continued until the present time; and

WHEREAS, these economic conditions have forced the closing of more than ninety per centum (90%) of the gold mines in the United States; and

WHEREAS, there appears to be no presently valid reason to prohibit the free sale of newly mined domestic gold, a move which will not affect the monetary system; and

WHEREAS, any increase in the price of gold on a free market would help pay the increased cost of mining other metals where the ore has an appreciable gold content, thus contributing to preserving the domestic mobilization base; and

WHEREAS, the continued sale of gold by the treasury for commercial use would tend to depress the free market price;

NOW, THEREFORE, BE IT RESOLVED by the senate and house of representatives of the legislature of the State of Montana;

1. That the congress of the United States is hereby petitioned

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to pass a bill to permit the free marketing of gold newly mined after the effective date of the act, in the United States, or its territories or insular possessions, and

2. That such a bill contain a section prohibiting the sale of gold by the treasury of the United States or any subdivision thereof for use in industry or the arts.

BE IT FURTHER RESOLVED, that copies of this memorial be submitted by the secretary of the State of Montana to each of the individuals and to the chairmen of each of the committees named in the title of this memorial and also to the presiding officers of both houses of congress of the United States, Richard M. Nixon and Sam E. Rayburn.

Approved March 13, 1957.

HOUSE JOINT MEMORIAL NO. 18

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the President and Congress of the United States and to the Honorable James E. Murray and Mike Mansfield, United States Senators; and to the Honorable Lee Metcalf and LeRoy H. Anderson, Representatives in Congress and to the Honorable Glenn L. Emmons, Commissioner of Indian Affairs; Urging Congress to Pass Appropriate Federal Legislation to Grant to Indian Citizens Residing on Indian Reservations within the State of Montana, Authority to Consent by Election to the Assumption by the State of Montana of Jurisdiction Over Both Criminal and Civil Matters Originating Within the Boundaries of Such Reservation.

WHEREAS, a serious problem exists in the matter of the proper enforcement of the civil and criminal laws within the State of Montana in those areas wherein are situate federal Indian reservations by reason of the fact that under the present federal and state statutory structure the civil and criminal laws of the State of Montana have no force and effect within the confines of such reservations, and the authorties and officers of the State of Montana have no jurisdiction within or over the confines of such reservations; and

WHEREAS, tribal courts exercising jurisdiction on the various Montana Indian reservations, in many cases, are unable to provide adequate law enforcement benefits to the Indian citizens situate on such reservation, and

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WHEREAS, the administration of law and of justice will be promoted on such reservations by assumption of civil and criminal jurisdiction by the State of Montana, provided that enrolled Indian citizens, by election duly held, consent by majority vote to such extension of jurisdiction;

NOW THEREFORE, BE IT RESOLVED, by the house of representatives of the thirty-fifth legislative assembly of the State of Montana, the senate concurring, that we respectfully urge the congress of the United States to appoint a committee to consult with the various Indian tribes situate on the reservations in the State of Montana, and to encourage the members of such Indian tribes to conduct elections by referendum vote to determine if they wish, and to what extent they wish, to come within the civil and criminal jurisdiction of the State of Montana.

Approved March 14, 1957.

HOUSE JOINT MEMORIAL NO. 19

A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the President of the United States, Dwight D. Eisenhower; the Congress of the United States; the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from the State of Montana; the Honorable Lee Metcalf and the Honorable LeRoy Anderson, Representatives from the State of Montana; the Committee on Interior and Insular Affairs of the United States Senate; the Committee on Interior and Insular Affairs of the United States House of Representatives; the Committee on Public Works of the United States Senate; the Committee on Public Works of the United States House of Representatives; the Secretary of the Interior, Frederick B. Seaton; Requesting the Introduction and Enactment Into Law of the Necessary and Proper Legislation to Require the Owner of a Lode or Placer Claim Who Performs or Causes to be Performed the Annual Work, or Makes the Improvements Required by the Laws of the United States in Order to Prevent the Forfeiture of the Claim, to Perform or Cause to be Performed the Annual Work or Make the Improvements in Such a Manner or Form That Proper Soil Conservation Practices Are Observed to the End That the Legislative Determinations and Policies in Regard to the Protection of Farm and Grazing Lands of the State of Montana May be Carried into Effect.

WHEREAS, by the laws of the United States, owners of lode or

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placer claims are required to perform certain annual representation work to prevent forfeiture of said lode or placer claim; and

WHEREAS, in the performance of said annual representation work, the practice of using modern heavy machinery has increased; and

WHEREAS, the use of said machinery damages watersheds, trails, timber, and causes soil erosion; and

WHEREAS, the damage caused by the soil erosion creates hazards to stock and water reservoirs in the entire watershed where said lodes and placers are located;

NOW THEREFORE BE IT RESOLVED by the senate and house of representatives of the State of Montana, that the representatives of the State of Montana and the senators of the State of Montana in the congress of the United States be urged and requested to introduce, and the congress of the United States be urged and requested to enact into law, necessary and proper legislation to require owners of mining claims on government land, where such owners are performing only the minimum annual work required to prevent forfeiture of their mining claims, to perform such minimum annual work on said mining claims in such a manner or form that proper soil conservation practices are observed to the end that the legislative determinations and policies in regard to the protection of farm and grazing lands of the State of Montana may be carried into effect.

BE IT FURTHER RESOLVED, that the secretary of state of the State of Montana transmit this memorial to the various federal governmental officials, agencies and committees referred to in the title of this memorial.

Approved February 26, 1957.

HOUSE JOINT RESOLUTION NO. 1

A Joint Resolution of the Senate and House of Representatives of the State of Montana to the President of the United States; to the Congress of the United States; to Senators James E. Murray and Mike Mansfield from the State of Montana; to Congressmen Lee Metcalf and LeRoy Anderson from Montana; to the Department of Agriculture and the Secretary of Agriculture of the United States; Relating to Unfair Publicity on Agricultural Commodities Held by the Commodity Credit Corporation of the United States and Referred to as "Surpluses;" Requesting the

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Department of Agriculture and the Secretary of Agriculture to Consider and Evaluate Agricultural Commodities Designated as "Surpluses;" and to Segregate Sufficient Amounts of Such Commodities to be Called "Reserves," to be in Quantities Comparable to Other Commodities and to be Used in the Event of Crop Failure or National Emergencies.

WHEREAS, the public is constantly made aware of the unfairness of publicity relating to the agricultural commodities purchased and held by the commodity credit corporation of the United States, which commodities are constantly referred to as "surpluses;" and

WHEREAS, the costs of holding the same and the losses incurred thereby are attributed to the farmers; and

WHEREAS, the farmers are placed in the undesirable position of being recipients of special subsidies at the expense of other classes of the national population.

NOW, THEREFORE, BE IT RESOLVED, that the department of agriculture and secretary of agriculture of the United States be instructed and enjoined to carefully consider and evaluate these agricultural commodities and to segregate sufficient amounts of such commodities to be considered as "reserves" in quantities comparable to the reserves of fuel, metals, munitions and manpower presently maintained for the protection of the country in the event of crop failure or national emergency; and

BE IT FURTHER RESOLVED, that these amounts shall be clearly and emphatically designated and publicized as "reserves" rather than "surpluses," and that the costs of maintaining such "reserves" be charged to national security rather than the agricultural program; and

BE IT FURTHER RESOLVED, that copies of this resolution be submitted by the secretary of state of the State of Montana to the president of the United States; to the congress of the United States; to Senators James E. Murray and Mike Mansfield from the State of Montana; to Congressmen Lee Metcalf and LeRoy Anderson from Montana; to the department of agriculture and the secretary of agriculture of the United States.

Approved February 14, 1957.

HOUSE JOINT RESOLUTION NO. 3

A Joint Resolution of the Senate and House of Representatives of

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the State of Montana to the Congress of the United States; to Senators James E. Murray and Mike Mansfield from the State of Montana; to Congressmen Lee Metcalf and LeRoy Anderson from the State of Montana; to the Honorable Ezra Taft Benson, Secretary of Agriculture of the United States; Relating to the Need of Increased Federal Funds for Adequate Research to Combat the Heavy Infestation of Rust and Other Grain Plant Diseases in the State of Montana and Elsewhere.

WHEREAS, the farmers of the State of Montana have suffered heavy damage during the past several years caused by a heavy infestation of rust and other plant diseases harmful to wheat and other grains; and

WHEREAS, certain types of grain have been developed which are disease resisting but which will not prove permanently immune to infestation; and

WHEREAS, an expanding program of disease control and grain plant research must be carried on to combat constantly developing types of infestation, and to produce new and improved varieties of grain which will be tolerant to climatic and soil conditions of Montana; and

WHEREAS, no one state or region has the necessary funds to carry on an adequate program of disease control and grain plant research on the present federal and state appropriations; and

WHEREAS, an adequate program of disease control and grain plant research will benefit all the people,

NOW, THEREFORE, BE IT RESOLVED by the house of representatives of the thirty-fifth legislative assembly of the State of Montana, the senate concurring that we must earnestly and respectfully request and urge that the congress of the United States recognize the importance of continuous and adequate plant disease control and research, particularly as to grains, by necessary increases to present appropriation of funds for such purposes; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the secretary of state of the State of Montana to the congress of the United States; to Senators James E. Murray and Mike Mansfield from the State of Montana; to Congressmen Lee Metcalf and LeRoy Anderson from the State of Montana; and to the Honorable Ezra Taft Benson, Secretary of Agriculture of the United States.

Approved February 21, 1957.

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SENATE JOINT MEMORIAL NO. 1

A Joint Memorial of the Senate and House of Representatives of the State of Montana to Dwight D. Eisenhower, the President of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from the State of Montana; to the Honorable Lee Metcalf and the Honorable LeRoy Anderson, Representatives from the State of Montana; to the Honorable Ezra T. Benson, Secretary of Agriculture of the United States; Relating to Infestation and the Control of Grasshopper Outbreaks on Range and Grazing Lands.

WHEREAS, grasshoppers constitute a threat to range and grazing lands each year, with the intensity and scope of infestation varying from as much as 380,000 to 7,500,000 acres from one year to the next and from less than 100,000 to 2,000,000 acres in a similar period with no particular pattern of infestation evident in any succession of years nor any relationship between geographic areas or intensity within a given infestation that can be used as a basis for prediction; and

WHEREAS, during years of low grasshopper populations, infestations are confined to relatively small acreages which can be handled by the landowners themselves. In years of widespread outbreaks each individual infestation, which taken together constitute an outbreak, is so large that the total holdings of several farmers or ranchers may be involved. With the large acreage involved, which is usually accompanied by low precipitation and consequent lower yields, an economic situation is created whereby the landowner cannot combat the problem with his own resources; and

WHEREAS, by administrative decision the present federal-state cooperative program authorized under public resolution No. 91 of the 75th congress is based on the theory of outbreak prevention and on the concept that outbreaks can be predicted from existing infestations and that all grasshopper infestations spread to adjoining areas from existing infestations; and

WHEREAS, comprehensive research has shown that infestations develop through unpredictable changes in conditions existing in the areas so infested; and

WHEREAS, comprehensive research has shown that the extent of damage is not necessarily a result of the number of grasshoppers present, but appears to be related to the species of grasshopper present and the growing conditions of the plants, making

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it impossible to predict damage prior to its onset following the hatch of grasshoppers; and

WHEREAS, hatching dates differ so widely from one area to another, even within the same species, that damage may be severe in one area before it appears in another; and

WHEREAS, the present administrative decisions upon which the federal-state cooperative program is based do not consider the problems posed by populations of those grasshopper species which infest nor the added problem of acres diverted to the soil bank which could become breeding grounds for the migratory species; and

WHEREAS, the present administrative decisions allow only a 33⅓ per-cent federal participation in the cost of control on privately-owned lands which is inadequate to bring the cost down to a level that can be economically borne by the land owner under widespread outbreak conditions; and

WHEREAS, the administrative decisions under which the present federal-state program operate are so rigid that the program cannot be effectively adapted to the unpredictable situations which occur from year to year and its objectives of control from the standpoint of outbreak and migration prevention are not only inconsistent with research findings, but do not allow for the most effective use of available moneys at a time and in such places that the landowners can derive the maximum benefits.

NOW, THEREFORE, BE IT RESOLVED by the senate of the thirty-fifth legislative assembly of the State of Montana, the house of representatives concurring, that we respectfully recommend and urge the president of the United States, the senators and representatives from Montana and the honorable secretary of agriculture to secure the reconsideration and revision of the administrative decisions upon which the present federal-state cooperative program is based to the end that it will better serve the needs of range landowners and provide an adequate and fairly administered program of range land protection.

BE IT FURTHER RESOLVED that consideration be given to conducting cooperative federal-state control programs on the basis of range land protection rather than outbreak prevention and that the rancher-farmer be given the opportunity to elect when, where, and by whom the work shall be done; that the agriculture department of the State of Montana, in conjunction with the United States soil conservation offices, cooperate in the work and

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administration necessary to attain the objectives contained in this program.

BE IT FURTHER RESOLVED that federal moneys be made available to the extent of 50 percent (50%) of the cost of control on a matching basis regardless of the source of the matching money.

BE IT FURTHER RESOLVED that the program be administered to the end that everyone participating in grasshopper control receives his proportionate share of the public moneys available regardless of their source.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded by the secretary of the senate of the State of Montana to the Honorable Dwight D. Eisenhower, president of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield senators from the State of Montana; to the Honorable Lee Metcalf and the Honorable LeRoy Anderson, representatives from the State of Montana and to the Honorable Ezra T. Benson, secretary of agriculture of the United States.

Approved February 2, 1957.

SENATE JOINT MEMORIAL NO. 3

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States, Senator James E. Murray of Montana, Senator Mike Mansfield of Montana, Congressman Lee Metcalf of Montana, Congressman LeRoy Anderson of Montana, the Committee on Interior and Insular Affairs of the United States Senate, the Committee on Interior and Insular Affairs of the United States House of Representatives, and the Secretary of Interior, Frederick B. Seaton, Requesting That the Congress of the United States, and the Members of the House of Representatives and Senate, Interior and Insular Affairs Committee and the Secretary of the Interior, Frederick B. Seaton, Repeal the Federal Laws Allowing the State of Wyoming to Collect Use and Sales Tax in Yellowstone National Park.

WHEREAS, the congress of the United States did set apart Yellowstone national park before any of the adjoining states were created and did withdraw said tract of land from settlement, occupancy or sale and did dedicate said tract as a public park and pleasure ground for the benefit and enjoyment of all of the people, and

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WHEREAS, Yellowstone national park is under the exclusive control and jurisdiction of the secretary of interior, and

WHEREAS, the State of Wyoming, under its tax laws, levies and collects a sales and use tax in Yellowstone national park, and

WHEREAS, the State of Wyoming contributes in no way directly to the maintenance of Yellowstone national park in return for the taxes collected, and

WHEREAS, the State of Montana, in its position of having three principal gateways to Yellowstone national park, is interested in seeing that Yellowstone national park is maintained as a pleasure ground pursuant to the initial purposes of congress, as set out by congress, and

WHEREAS, it is the belief of the people of the State of Montana that the imposition of the sales and use tax in Yellowstone national park by the State of Wyoming is an unwarranted intrusion by the State of Wyoming and such acts are not in conformity with the purposes for which Yellowstone national park was set aside, and

WHEREAS, the people of the State of Montana believe that such an intrusion violates the basic purpose of the congress of the United States in the creation of Yellowstone national park,

NOW, THEREFORE, BE IT RESOLVED, that the thirty-fifth legislative assembly of the State of Montana, the senate and house concurring, does hereby request and petition the congress of the United States to deny the State of Wyoming or any other state the right to impose taxes of any sort in Yellowstone national park and to repeal statutes which allow the State of Wyoming to collect sales and use taxes in Yellowstone national park.

BE IT FURTHER RESOLVED, that the secretary of state of the State of Montana be instructed to send copies of this memorial to the Honorable James E. Murray, the Honorable Mike Mansfield, the Honorable Lee Metcalf, the Honorable LeRoy Anderson, the committee on interior and insular affairs of the United States senate, the committee on interior and insular affairs of the United States house of Representatives, and the secretary of Interior, Frederick B. Seaton.

Approved March 1, 1957.

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SENATE JOINT MEMORIAL NO. 4

A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the Congress of the United States; Honorable James E. Murray and Honorable Mike Mansfield, United States Senators of Montana; Honorable Lee Metcalf and Honorable LeRoy Anderson, Members of the House of Representatives, of Montana; the Committee on Interior and Insular Affairs of the United States Senate; the Committee on Interior and Insular Affairs of the United States House of Representatives; the Secretary of the Interior; and the United States Commissioner of Reclamation, Urging That the Congress Declare its Intent with Respect to the Diversion of Water from the Madison River under Plans Proposed by the United States Bureau of Reclamation, and that the Congress Assure the Preservation of Recreational and Fishery Resources Values of the Madison River Valley.

WHEREAS, the United States bureau of reclamation since 1942 has been investigating various plans to divert water from the Madison river in Montana, and

WHEREAS, the bureau has indicated that it intends to carry out more detailed studies of its so-called Plan E-1, which consists of a 53-mile canal diverting water from the Madison river upstream from the town of Ennis, diversion of 570 cubic feet per second of water from said river during the irrigation season, and use of Hebgen lake as a storage reservoir for irrigation purposes, and

WHEREAS, this plan would result in heavy drawdown of Hebgen lake during the summertime irrigation season, causing serious fluctuations in the lake level, creating unsightly mud flats and reducing the value of homes and tourist accommodations which are located on the shores of Hebgen lake, and

WHEREAS, Hebgen lake and the Madison river below it are universally recognized as being among the finest rainbow trout fishing waters in the entire world, and sportsmen in large numbers, not only from Montana but from all sections of North America, make annual pilgrimages to these waters to enjoy this recreational area and its fishing, and

WHEREAS, fluctuations in the levels of Hebgen lake and the Madison river would result in serious adverse effect, if not complete destruction, of these fishery resources under some plans contemplated, and

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WHEREAS, the federal power commission, after consultation with the United States forest service and United States fish and wildlife service, has demonstrated the federal government's interest in preserving the recreational values of Hebgen lake by requiring that the power licensee on the Madison river hold its drawdown of Hebgen lake to a minimum level of 6540 feet elevation during the period of June 1 to October 1 each year, and

WHEREAS, the diversion of 570 cubic feet per second of water from the Madison river would reduce the flow of the river below the intake of the canal by one-third to one-half during the irrigation season, causing serious adverse effect on recreation and fishing and on landowners with long-standing water rights on the river, and reducing the power output of the Madison powerplant by nearly 40 percent, and

WHEREAS, if provisions were made to release sufficient water from Hebgen lake to allow diversion of water into the canal and still maintain normal river flow below the canal it would require that Hebgen lake be drastically drawn down and would result in highwater conditions adversely affecting lands and property between the lake and the point of diversion, and

WHEREAS, the bureau of reclamation has studied a number of plans, some of which could virtually reduce the Madison river to a mere trickle of water, any one of which could be pursued and adopted by the bureau at any time.

NOW, THEREFORE, BE IT RESOLVED that the senate and the house of representatives of the State of Montana memorialize the congress of the United States to declare it to be the intent of congress that further planning which would jeopardize the recreational area of the Madison river and which would result only in impractical, unwise and costly irrigation projects far distant and remote from the said Madison valley, shall cease, and

BE IT FURTHER RESOLVED that the appropriate committees of the congress convey to the department of the interior and the bureau of reclamation notice of this congressional intent, and

BE IT FURTHER RESOLVED that we call upon the department of the interior and the bureau of reclamation to abandon all plans for Madison river water which would adversely affect the recreational values, sports fishery resources and water rights of the region, and

BE IT FURTHER RESOLVED that copies of this memorial be

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submitted by the secretary of the State of Montana to each of the individuals and to the chairman of each of the committees and agencies named in the title of this memorial and to the presiding officers of the house of representatives and the senate of the United States congress.

Approved March 4, 1957.

SENATE JOINT MEMORIAL NO. 5

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States; Senator James E. Murray, of Montana; Senator Mike Mansfield, of Montana; Congressman Lee Metcalf, of Montana; Congressman LeRoy Anderson of Montana; the Committee on Interior and Insular Affairs of the United States Senate; the Committee on Interior and Insular Affairs of the United States House of Representatives, and the Secretary of the Interior, Frederick B. Seaton; Requesting that Monies Made Available to Economic Depressed Areas be Utilized in Promoting Employment of Indian Citizens at or Near Reservation Areas in the State of Montana, and Promoting Job Opportunities at or Near Reservation Areas.

WHEREAS, there has been made available by the congress of the United States certain monies to assist in the alleviation of unemployment in economic depressed areas in the United States and,

WHEREAS, on all of the reservation areas within the State of Montana there are serious unemployment and welfare problems and,

WHEREAS, unless special attention is given to these problems through endorsement by the state and national government to get industry decentralized to these areas there is no immediate hope to assist Indian citizens become economically self sufficient and,

WHEREAS, because of the lack of economic opportunities at or near the reservation areas it has been necessary to transplant many Montana Indian citizens away from their homes and their families and,

WHEREAS, because of the lack of economic opportunities on the reservations of Montana the welfare burden on federal and state governments is disproportionate to that of the rest of the population of Montana.

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NOW, THEREFORE, BE IT RESOLVED, by the thirty-fifth legislative assembly of Montana of 1957, now in session, the senate and house of representatives concurring, do recommend to the congress of the United States that funds be made available to promote industries to locate on the various reservations of the State of Montana or to locate as near as possible to the reservations to offer job opportunities to Indian citizens of the State of Montana.

BE IT FURTHER RESOLVED, that copies of this memorial be submitted by the secretary of the State of Montana to the congress of the United States, Senator James E. Murray and Senator Mike Mansfield of Montana, Congressman Lee Metcalf and Congressman LeRoy Anderson of Montana, the committee on interior and insular affairs of the United States senate, the committee on interior and insular affairs of the United States house of representatives, and to the Honorable Frederick B. Seaton, secretary of the interior.

Approved March 4, 1957.

SENATE JOINT MEMORIAL NO. 6

A Joint Memorial of the Senate and the House of Representatives of the State of Montana to the Congress of the United States; to the Honorable James E. Murray and the Honorable Mike Mansfield, Senators from the State of Montana; to the Honorable Lee Metcalf and to the Honorable LeRoy Anderson, Representatives to the Congress from the State of Montana and to the Committee on Veterans' Affairs of the United States House of Representatives; Urging the Enactment into Law of the Necessary and Proper Legislation to Forestall an Increase in "G. I. Loan" Interest Rates of Higher than Four and One-half Percent (4½%); to Authorize the Use of Part of the National Service Life Insurance Reserve Funds for the Purchase of Veterans' Administration Guaranteed Loans at Par, and to Give the Veterans' Administration Authority to Prohibit Discounting of Veterans' Administration Underwritten Mortgages; to Urge an Increase in the Ceiling Amount of Ten Thousand Dollars ($10,000.00) Under the Present G. I. Loan Terms.

WHEREAS, the veterans' housing program is presently lagging, due to money restrictions, higher interest rates of other types of loans, and current discount methods of lending institutions; and

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WHEREAS, a healthy building program benefits the entire nation as well as the veterans involved; and

WHEREAS, it is presently extremely difficult, if not impossible, for veterans to obtain veterans' administration guaranteed loans from lending institutions in the State of Montana; and

WHEREAS, interest rates on all types of loans continue to rise, including a recent raise from four and one-half (4½) to five (5) percent for federal housing administration loans; and

WHEREAS, presently, lending institutions engage in discounting of veterans' administration underwritten mortgages at additional expense to the veterans involved; and

WHEREAS, banking institutions customarily charge a closing fee, and other administrative fees, in addition to the interest authorized at four and one-half percent (4½%), all of which adds to the expense of obtaining a loan by the veteran; and

WHEREAS, the national service life insurance reserve fund is available for use if authorized for the purchase of veterans administration guaranteed loans at par; and

WHEREAS, if it is not deemed advisable to authorize the use of the national service life insurance reserve fund for the purchase of veterans' administration guaranteed loans at par, then, in that event, other funds should be made available for such purpose; and

WHEREAS, the ten thousand dollars' ($10,000.00) ceiling on G. I. loans is entirely unrealistic with relation to home construction in Montana; and

WHEREAS, the public interest would be clearly served by such legislation;

NOW, THEREFORE, BE IT RESOLVED by the senate and house of representatives of the State of Montana, that the representatives of the State of Montana in the congress of the United States be requested to enact into law necessary and proper legislation to forestall any increase in veterans' administration guaranteed loans higher than four and one-half percent (4½%), to authorize the use of part of the national service life insurance reserve funds for the purchase of veterans' administration guaranteed loans at par, and to give the veterans' administration authority to prohibit discounting of veterans' administration underwritten mortgages; and to increase the maximum allowable under present G. I. loan terms; and

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BE IT FURTHER RESOLVED, that copies of this memorial be submitted by the secretary of the State of Montana to each of the individuals and to the chairman of the committee named in the title of this memorial and also to the presiding officers of both houses of the congress of the United States, the Honorable Richard M. Nixon, President of the United States senate and the Honorable Sam E. Rayburn, speaker of the United States house of representatives.

Approved March 5, 1957.

SENATE JOINT MEMORIAL NO. 7

A Joint Memorial of the Senate and House of Representatives of the State of Montana to the Congress of the United States; to the Honorable James E. Murray and Mike Mansfield, United States Senators of Montana; and to the Honorable Lee Metcalf and LeRoy H. Anderson, Representatives in Congress from Montana; and to the Appropriations Committee of the Congress of the United States; Requesting Sufficient Funds be Appropriated to Continue Stock Piling of Domestic Tungsten for Defense Purposes, of the United States of America.

WHEREAS, tungsten is a strategic metal vital to the defense of the United States of America, and

WHEREAS, the domestic supply of tungsten is far from sufficient to fill the needs of defense of the United States of America,

NOW, THEREFORE, BE IT RESOLVED, by the senate of the State of Montana of the thirty-fifth legislative assembly, the house of representatives thereof concurring, that we respectfully recommend and urge the congress of the United States of America, and the appropriations committee thereof, to appropriate sufficient funds to continue stock piling of domestic tungsten for the defense of the United States of America.

BE IT FURTHER RESOLVED, that the secretary of the State of Montana, transmit copies of this memorial to the congress of the United States of America, Senator James E. Murray, Senator Mike Mansfield, Congressman Lee Metcalf, Congressman LeRoy H. Anderson, and to the appropriations committee of the congress of the United States of America.

Approved February 21, 1957.

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CHANGES OF NAMES DECREED IN 1955 - 1956

Date of Judgment	Original Name	Name Decreed	Residence
March 16, 1955	Roman Joseph Crnkovich	Ronald Joseph Cernik	Carbon Co.
April 20, 1955	Eimagean Claris Lindbolm	Gean Claris Lindblom	Cascade Co.
June 9, 1955	Joetta Going	Joetta Forsyth	Cascade Co.
Aug. 10, 1955	Helen Alice Marie Jensen	Helen Alice Marie Reynolds	Cascade Co.
Aug. 10, 1955	Kenneth Walter Marble	Richard E. Marble	Cascade Co.
Aug. 24, 1955	Gwendolyn Burckhard	Beatrice Gwendolyn Burckhard	Cascade Co.
Sept. 7, 1955	May Carol Lander	May Carol Collins	Cascade Co.
Nov. 1, 1955	Mary Ellen Prevesich	Mary Ellen Newman	Cascade Co.
Sept. 14, 1955	Jesus Jose Gandara	James Jesus Gandara	Hamilton
Sept. 14, 1955	George Georgeff	George Georgoff	Hamilton
April 6, 1955	Clifford E. Leidig	Clifford E. Brosie	Deer Lodge Co.
Sept. 14 1955	Rosemarie Milkovich	Rosemarie Milkovitch	Deer Lodge Co.
Nov. 7, 1955	Fred Fiene, Jr., Fred J. Fiene, Fred W. Fiene	Fred W. Fiene	Musselshell Co.
March 10, 1955	Jimmy Neil Hainline	Jimmy Neil Wehr	Kalispell
Aug. 22, 1955	Ralph Merelan Miller	Ralph Merelan Riddle	Kalispell
Nov. 30, 1955	Franklin Gail Swortzel	Frank Richard Swortzel	Kalispell
April 5, 1955	Daniel John Schmidt	Daniel John Smith	Glendive
June 15, 1955	Larry J. Rayas	Larry J. Notbohm	Helena
Aug. 31, 1955	Harold Wayne Pollari	Harold Wayne Pomeroy	Lewis and Clark Co.
July 11, 1955	John J. Moore, Jr.	John J. Saunders	Gallatin Co.
July 11, 1955	Evelyn Moore	Evelyn Saunders	Gallatin Co.
Sept. 9, 1955	Cecil N. Johansen	Cecil N. Johnson	Townsend
July 7, 1955	John A. Kok, John J. Kok, John Hilbert Cook	John A. Kok	Missoula
Dec. 9, 1955	Linda Anne Gilbert	Lindley Anne Gilbert	Missoula
Jan. 8, 1955	Antonius Lunkenheimer	Anthony Francis Ladd	Billings
Feb. 25, 1955	Betty LaVonne Mlenar	Betty Lavonne Maurer	Yellowstone Co.
Aug. 29, 1955	Robert Lester Negley Yerian	Robert Lester Gerard	Laurel
Sept. 9, 1955	Ernest Aaron Abraham	Johnny Diamond	Billings
Sept. 7, 1955	James Perkins	Lloyd James Perkins	Custer
Oct. 28, 1955	Clark Fred Pierce	Fred Clark Pierce II	Billings
March 12, 1956	Marie Annette Meissner	Myna Marie Meissner	Glendive
Feb. 7, 1956	James David Bayley	James David Hosford	Missoula
Dec. 22, 1956	Jerry Wayne Naples	Jerry Wayne Hythecker	Whitefish
April 9, 1956	Donald Alfred Hecox	Donald Alfred Nistler	Bozeman
Oct. 29, 1956	William Jess Boyd	William Jess Haley	Bozeman
Aug. 8, 1956	Helen Frances Morton	Helen Frances Wegener	Whitehall
Aug. 8, 1956	Catherine May Morton	Catherine May Wegener	Whitehall
Feb. 14, 1956	Walter Douglas Pearson	Walter Douglas Morigeau	Polson
Sept. 4, 1956	John Richard Gillespie	Richard Douglas Brown	Helena
Dec. 11, 1956	Dora Loretta Vlasser Jean	Dorothy Loretta Vasser Jean	Missoula
May 25, 1956	Bertha-Claire Olsen	Bertha-Claire Eversole	Missoula
Sept. 19, 1956	Duane Diamond Berreth	Duane Diamond Berreth Mercer	Missoula
Oct. 27, 1956	Frank Robert Philpott	Frank Robert Phillips	Missoula
Oct. 3, 1956	Barry Eugene Hamann	Barry Eugene Gilbert	Hamilton
March 5, 1956	The Billings Gospel Tabernacle	First Assemble of God of Billings, Montana	Billings
March 12, 1956	Karen Marie McCoy	Karen Marie Thatcher	Billings
March 12, 1956	Audrey Ann McCoy	Audrey Ann Thatcher	Billings
March 23, 1956	Herbolt Weber	Herbert Weber	Laurel
Nov. 7, 1956	Ronald Allan Walters	Ronald Allan Dugan	Billings
Dec. 31, 1956	Leonard Jack Welsh	Jack Leonard Welch	Shepherd

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ADDENDA

HOUSE JOINT RESOLUTION NO. 2

A Joint Resolution of the House and Senate of the State of Montana to the President of the United States, Dwight D. Eisenhower; to the Congress of the United States; to the Senate Interior and Insular Affairs' Committee; to Senators James E. Murray and Mike Mansfield; to Congressmen Lee Metcalf and LeRoy Anderson; and to the Alaska Delegation In the United States Congress and the Governor of the Territory of Alaska; Requesting the President and Congress of the United States to Do What May Be Necessary to Give Full Statehood to the Territory of Alaska.

WHEREAS, the legislature of Montana is aware of the unfairness with which the Territory of Alaska has been treated in its appeal for statehood; and

WHEREAS, the legislature of Montana is aware of the great contributions that the Territory of Alaska has made to the welfare of the United States, and believing that such contributions could be vastly accelerated by statehood; and

WHEREAS, the platforms of both major political parties have and do advocate statehood for Alaska; and

WHEREAS, the president of the United States has advocated statehood for Alaska in speeches, and before his inauguration; and

WHEREAS, the growth and prosperity of the Territory of Alaska, and the people of Alaska are seriously handicapped by the territorial status that now exists; and

WHEREAS, the Territory of Alaska, and the people of that territory have now reached a stalemate in their development that cannot be overcome until statehood is granted; and

WHEREAS, it is to the future benefit of the United States of America to accelerate the development of the vast potential that is Alaska;

NOW, THEREFORE, BE IT RESOLVED, that the legislature of the State of Montana, both house and senate concurring, do petition the president and Congress of the United States to jointly do that which is necessary to immediately give full statehood to the Territory of Alaska; and

BE IT FURTHER RESOLVED, that copies of this resolution be submitted by the secretary of state of the State of Montana, to each of the individuals and to the chairman of the committee named in the title of this resolution, and also to the presiding officers of both houses of the congress of the United States.

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APPENDIX

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APPENDIX

The following constitutional amendment, adopted by the people at the general election held November 5, 1956, became effective by virtue of the governor's proclamation of December 28, 1956:

CHAPTER 239

An Act to Submit to the Qualified Electors of the State of Montana an Amendment to Article XII of the Constitution of the State of Montana, Relating to Revenue and Taxation, by Adding Thereto a New Section to be Known and Designated as Section 1 (b) of Article XII, Providing that No Monies Paid into the State Treasury Which are Derived from Fees, Excises or License Taxes Relating to Registration, Operation or Use of Vehicles on the Public Highways or to Fuels Used for the Propulsion of Such Vehicles, Except Fees and Charges Paid to the Board of Railroad Commissioners of the State of Montana and the Public Service Commission of Montana or its Successor or Successors by Motor Carriers Pursuant to Law, Shall be Expended for Any Purpose Other than That Provided for Herein.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That the constitution of the State of Montana be amended as hereinafter provided and that the question of such amendment be submitted to the qualified electors of the State of Montana for their approval or rejection, at the general election to be held in November, 1956.

Section 2. That the constitution of the State of Montana, be, and the same is hereby amended by adding thereto a new section to be known and designated as section 1 (b) of article XII reading as follows:

Section 1 (b). No monies paid into the state treasury which are derived from fees, excises or license taxes relating to registration, operation or use of vehicles on the public highways or to fuels used for the propulsion of such vehicles, except fees and charges paid to the board of railroad commissioners of the State of Montana and the public service commission of Montana or its successor or successors by motor carriers pursuant to law, shall be

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expended for other than cost of administering laws under which such monies are derived, statutory refunds and adjustments provided therein, payment of highway obligations, cost of construction, reconstruction, maintenance and repair of public highways, roads, streets, and bridges, and expenses authorized by the state legislature for dissemination of public information relating to the public highways, roads, streets and bridges of the State of Montana and the use thereof.

Section 3. Separate official ballots shall be provided at the general election to be held in November, 1956, which shall have printed thereon "anti-diversion amendment of highway fuel and user taxes," followed by all of section 1 b. of article XII of the constitution of the State of Montana as proposed by this act. There shall also be printed on said official ballots, below the said section, squares and the words as follows:

☐ FOR THE FOREGOING AMENDMENT TO THE CONSTITUTION

☐ AGAINST THE FOREGOING AMENDMENT TO THE CONSTITUTION

Each elector who approves this amendment shall mark an "X" in the first square above printed and each elector who rejects it shall mark an "X" in the second square.

Section 4. The votes cast for and against this amendment above proposed, shall be counted, canvassed and determined by such officials, and in such manner as provided by law, and if a majority of all votes cast at such election for and against such amendment shall be in favor of such amendment, the governor of the state shall so declare by public proclamation and the amendment shall be in full force and effect as a part of the constitution from and after the date of such proclamation.

Approved March 10, 1955.

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GENERAL INDEX

NOTE:

Index of Appropriations Follows General Index

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